

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39026 of 2025

Arising Out of PS. Case No.-625 Year-2024 Thana- SHERGHATI District- Gaya

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1. Malti Devi W/O Surendra Paswan R/O Vill.- Sherghati Piparpati, P.s.- Sherghat, Dist.- Gaya
 2. Raushan Kumar S/O Arjun Paswan R/O Vill.- Sherghati Piparpati, P.s.- Sherghat, Dist.- Gaya
 3. Vicky Kumar S/O Birendra Paswan R/O Vill.- Sherghati Piparpati, P.s.- Sherghat, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners submits that the anticipatory bail application of petitioner Nos. 2 and 3 has become infructuous, as during the pendency of the bail application, petitioner Nos. 2 and 3 have been arrested. Therefore, he is not pressing the same on behalf of petitioner Nos. 2 and 3.

3. The petitioner No. 1, namely, Malti Devi is apprehending arrest in connection with Sherghati P.S. Case No. 625 of 2024, dated 22.12.2024, lodged under Section 119(2),



190, 126(2), 115(2), 132, 121(1), 262, 263, 324(1) & 238 of the of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Section 45 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

4. As per the prosecution, total recovery of 80 Kg mahua flower has been made, which is the subject matter of the present case.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner is a lady aged about 38 years, having clean criminal antecedent. It is also submitted that the petitioner has no connection with the alleged recovery. Counsel further submits that the petitioner is ready to comply with all the conditions that may be imposed upon her.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. As such, in the present facts and circumstances of this case, let the **petitioner No. 1, namely, Malti Devi** be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the



satisfaction of Exclusive Special Excise Court No. 5, Gaya, in connection with Sherghati P.S. Case No. 625 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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