

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40431 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- RAIL P.S. DARBHANGA (JAYNAGAR)
District- Madhubani

Durga Devi @ Durga Kumari, W/o Vilat Kumar Mishra, R/o Village- Brail, Teghra, P.S.- Khutauna, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Jaynagar Rail P.S. Case No. 09 of 2024, dated-20.04.2024, registered for the offences punishable under Sections 30 (a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, total 76.2 litres of illicit liquor was recovered from a plastic bag in possession of six children near platform no.1 overbridge, Madhubani Railway Station. They disclosed the name of the co-accused Kaushalya Devi and Puja Devi for whom they were working. The apprehended children further disclosed that they used to sell liquor to co-



accused persons namely, Dhapli Devi, Baba, Durga Devi/Petitioner, Ashok Kumar and his wife Kiran Devi in Lalten Patti of Madhubani Railway Station and they had to deliver the seized liquor to them.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that similarly situated co-accused, Kiran Devi has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.05.2025, passed in Cr. Miscellaneous No. 32950 of 2025.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Jaynagar Rail P.S. Case No. 09 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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