

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52458 of 2025

Arising Out of PS. Case No.-601 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Sharmila Devi W/O Chanar Dev Mandal @ Chandradev Mandal R/O Village-
Ward No. 27, Hariganj, Koriatola (Koraiya Tola), P.S.- Katihar Nagar, Dist.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in a case
registered for the offence punishable u/s 30(a), 41 and 47 of the
Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 216 litres of illicit
foreign liquor was recovered from the Toto.

4. Learned counsel for the petitioner has submitted
that the petitioner is a lady and has falsely been implicated in
this case merely on the basis of being the registered owner of
the said seized Toto. It is further submitted that no incriminating
article has been recovered from the conscious possession of the
petitioner and she has no concern with the alleged recovery. It is



also submitted that the said recovery has been made from the Toto which was parked in front of the petitioner's house and which was easily accessible to anyone. It is lastly submitted that the petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of her arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar, in connection with Katihar Nagar P.S. Case No. 601 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution



will be at liberty to move for cancellation of her bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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