

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2876 of 2025

Arising Out of PS. Case No.-63 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Lalti Devi, Daughter of Suraj Bind @ Missi, Resident of Near Devi Mandir, PS-Shastrinagar, District- Patna
2. Sumitra Devi, W/o- Mithlesh Bind @ Missi, Resident of Near Devi Mandir, PS-Shastrinagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Shastrinagar P.S. Case No. 63 of 2022, registered for the offences punishable under Sections 30(a), 30(c), 32(ii) and 36 of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioners are of involved in trade of illicit wine. On a secret information the police apprehended co-accused Fekani Devi and on search 3.4 litres country made liquor was recovered from a bag, which was being carried by her. The apprehended person disclosed the



name of the petitioners. On the basis thereof, the police conducted raid and 58 litres country made liquor was recovered beneath the sand nearby Durga temple.

4. Learned Advocate appearing on behalf of the petitioners referring to the FIR contended that save and except the disclosure made by the apprehended person, there is no material disclosing the complicity of the petitioners in the crime. Moreover, the alleged recovery has been made nearby Durga Temple, which is an open place easily accessible to all. The petitioners neither have dominion or control over the place from where recovery has been made, nor have any concern with the recovered illicit wine. The petitioners are ladies having fair antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the fact that save and except the disclosure made by the apprehended person there is no material and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 does not attract, let the



petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge Excise-I, Patna in connection with Shastrinagar P.S. Case No. 63 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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