

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84861 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- MUSRIGHRARI District- Samastipur

Ram Kumari Devi W/O Ram Pravesh Mahto R/O Village - Pandh , Police
Station - Dalsingsarai , District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 30(a), 33, 36, 41 of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 192 liters of spirit is said to have been recovered from the tempo.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. As a matter of fact, the name of the petitioner has surfaced in this case as she is the owner of the said tempo. However, the said tempo was given to the driver to drive on rent who was arrested on the spot. It is further submitted that the mandatory provisions of search and



seizure have been violated as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has one criminal antecedent of similar nature of the offence, to which, learned counsel for the petitioner submits that the petitioner is on bail.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Musrigharari P.S. Case No. 77 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) One of the bailors will be a family member/close relative.

(iii) The court below shall verify the criminal



antecedent of the petitioner and in case it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay preferably within a period of two weeks.

(Soni Shrivastava, J)

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