

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1339 of 2025

Arising Out of PS. Case No.-245 Year-2024 Thana- KALYANPUR District- Samastipur

1. Gita Devi @ Geeta Devi @ Mamta Devi W/O Dilip Das R/O- Village-
Pedhiya Gachi Ward No-23, P.S- Samastipur Town, District- Samastipur.
2. Rinki Devi W/O Rajesh Mahto R/O- Village-Pedhiya Gachi Ward No-23,
P.S- Samastipur Town, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners are named in the

F.I.R. and apprehended their arrest in connection with

Kalyanpur P.S. Case No. 245 of 2024 registered for the

offences punishable under Sections 305, 317(2), 331(3) and

3(5) of the BNS and Section 30 (a) of the Bihar Prohibition

and Excise Act.

3. The allegation against the petitioners is to be

engaged in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 16.125 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the petitioners submitted that both petitioners are named in the present case on the basis of disclosure made by co-accused namely Roopa Devi, Sita Devi, Zeenat Parveen and Sanichari Devi, where infurtherance no incriminating material/illicit liquor appears to be recovered from the conscious physical possession of this petitioner. While concluding the argument it is submitted that both petitioners found involved in one more criminal case, where they are on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be recovered from the conscious physical possession of these petitioners who are ladies, accordingly both above named petitioners, in the event of their arrest or surrender before the learned trial court within a period of four weeks, are directed to be released on bail, furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-01, Samastipur/concerned trial court where the case is pending in connection with Kalyanpur P.S. Case No. 245 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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