

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6203 of 2026

Arising Out of PS. Case No.-657 Year-2025 Thana- RAHUI District- Nalanda

Kabita Devi W/O Damodar Yadav R/O Vill.- Jagatnandanpur, P.S-
Rahui, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends her arrest in a case registered
for the offence punishable under Section 30(a) and 30(c) of
Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and is a woman and
allegation is of recovery of 20 litres of liquor from *Bathan*
situated beside the house of the petitioner. It is next submitted
that petitioner was not arrested from the spot, as such, nothing
was recovered from her conscious possession and *Bathan* is a
place outside the house and thus, is accessible to villagers at
large. It is next submitted that no prudent person would use her
own premises for committing an occurrence and thus, would



create evidence against herself and hence, would get implicated. It is also submitted that petitioner came to be implicated at the instance of Chowkidar with whom her husband is on an inimical term. It is next submitted that it appears that someone inimical to the family concealed meager amount of liquor in the *Bathan* with an intent to implicate the entire family members.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on her furnishing bail-bond in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Biharsharif, Nalanda in connection with Rahui P.S. Case No.657 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of more than one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed her antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.1500/- with High Court Legal Services Committee, Patna within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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