

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9402 of 2026

Arising Out of PS. Case No.-789 Year-2025 Thana- MADHAURAH District- Saran

Babita Devi W/o Birendra Manjhi R/o Village- Mirzapur, P.S- Marhowrah,
Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar Singh

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Madhaura P.S. Case No. 789 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, on secret information the informant proceeded to village *Lerua* and during search 05 litre country-made liquor was recovered from a plastic bucket kept behind the hut and the accused lady succeeded in fleeing away from the place of occurrence and the local *chaukidar* disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and she has falsely been implicated in this case due to village politics. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. He further submits that the place of recovery is an open place and same is accessible to all and petitioner cannot be held liable for the alleged recovery. It is submitted that the alleged recovery has not been made from the possession of the petitioner and she has no concern with the alleged recovery. He further submits that the local *chaukidar* has falsely implicated the petitioner in the present case because of criminal antecedent of one case in which she is already on bail, without any basis and except suspicion there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, petitioner cannot be held liable for the same and no offence is made out as alleged in the FIR against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is F.I.R. named accused hence, she cannot



escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Madhaura P.S. Case No. 789 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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