

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17531 of 2026

Arising Out of PS. Case No.-67 Year-2025 Thana- Khesar District- Banka

Nitu Devi Wife of Ranjit Yadav @ Ramjee Yadav Resident of New Sidi Ghat Road, Sultanganj, P.S.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise 2018 in connection with Khesar P.S.Case No. 67 of 2025.

3. As per the prosecution case, in course of patrolling, the police personnel chased and nabbed the accused person, who disclosed his name as Ashish Kumar. On search, total 2 litres of illicit country-made liquor was recovered from a motor-cycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case having clean background.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the fact that the petitioner is a lady, who has not been apprehended on the spot and, therefore, no recovery has been made from the conscious physical possession of the petitioner and also the fact that the search and seizure memo has not been signed by two independent witnesses, which casts a doubt over the validity and legality of seizure itself, and further given the fact that the petitioner has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of her arrest or surrender within 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 Special Judge, Excise Court No.2, Banka in connection with Khesar P.S.Case No. 67/2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/ trial.

(ii) the learned Court would, however, 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.

(Alok Kumar Sinha, J)

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