

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19347 of 2026**

Arising Out of PS. Case No.-31 Year-2026 Thana- SIMRI District- Buxar

Rita Devi W/o Manoj Sah R/o Village - Simari Dudhi Patti, P.S - Simari,  
District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      31-03-2026                      Heard Dr. Kamal Deo Sharma, learned counsel for  
the petitioner and Mr. Bhanu Pratap Singh, learned Additional  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
10.02.2026 in connection with Simari P.S. Case No. 31 of 2026,  
F.I.R. dated 09.02.2026 for the offences punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 35.575 liters of foreign liquor.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and she has falsely been  
implicated in the present case merely on the basis that petitioner  
is wife of co-accused Manoj Sah. It appears from the FIR that  
nothing has been recovered from conscious possession of the  
petitioner rather the recovery has been made from the house in



question and petitioner is not the absolute owner of the house in question, the same is a joint property of petitioner. He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 10.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and recovery have been made from joint house property of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special judge, Excise Court No-2, Buxar in connection with Simari P.S. Case No. 31 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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