

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20898 of 2026

Arising Out of PS. Case No.-81 Year-2026 Thana- KISHANGANJ District- Kishanganj

Pusho Devi W/o Mangla Paswan @ Ashok Paswan R/o Dumaria Bhatta,
Paswan Tola, Ward No. 29, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 19-05-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kishanganj P.S. Case No. 81 of 2026, dated 29.01.2026 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, altogether 20 litres of country-made liquor has been recovered from the house of this petitioner.

4. Learned counsel for the petitioner submits that



the petitioner is quite innocent, has not committed any offence and has falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of this petitioner. As per the FIR, recovery of 20 litres country-made liquor from 4 plastic box containing 5 litres each is said to have been made from the house of the petitioner. It is the case of the petitioner that the petitioner is a widow and is not related with the seized article, while the procedures for seizure as enumerated under Sections 103 and 105 of BNSS have not been followed and the petitioner's implication in the instant case is made on the basis of statement of local person who is said to have named this petitioner. Moreover, a statement has been made in para 3 of this petition that the petitioner has one criminal antecedent in which she is on bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances and that there is violation of preparation of seizure and name of this petitioner has been transpired on the statement made by the local person, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.



7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Kishangaj in connection with Kishanganj P.S. Case No. 81 of 2026 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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