

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23616 of 2026

Arising Out of PS. Case No.-690 Year-2021 Thana- FATUA District- Patna

Rita Devi Wife of Chhotu Saw @ Dukhan Sah R/o- Imlichowk, Raipura
Kewalatal, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-04-2026 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 Sections 30(a) and 56(c) of the Bihar Prohibition and Excise Act, 2016 in connection with Fatuha P.S. Case No. 690 of 2021.

3. Learned counsel for the petitioner submits that the petitioner is innocent and the entire allegation is false and concocted. She was not present at the place of occurrence and the illicit liquor has not been recovered from her conscious physical possession.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. From the reading of the allegation levelled in the



FIR, it appears that the liquor has been seized from the house, which does not belong to the petitioner. No recovery has been made from the conscious physical possession of the petitioner, and from the reading of the search and seizure memo, it is apparent that it has been witnessed by two police witnesses and not by any independent witness, which puts a question mark on the validity of the seizure itself. Under these circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

6. 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 learned Special Judge, Excise, Patna City in connection with Fatuha P.S.Case No. 690 of 2021, 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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