

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25893 of 2026

Arising Out of PS. Case No.-37 Year-2026 Thana- DARIGAON District- Rohtas

1. Malti Kunwar @ Malti Devi Wife of Late Kedar Ram Resident of Village- Belhar, P.S.- Darigaon, District- Rohtas
2. Lilawati Kunwar @ Lilawati Devi Wife of Late Mohan Ram Resident of Village- Belhar, P.S.- Darigaon, District- Rohtas

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 24-04-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. A perusal of the first information report and the seizure list would go to show that total 5.2 liters of country made liquor has been recovered from the polythene thrown away by petitioner no.1, while 15 liters of country made liquor has been recovered from the polythene thrown away by petitioner no.2.

4. Learned counsel for the petitioners submits that both the petitioners are innocent ladies. It is further submitted that the aforesaid recovery has been made from an open place



for which no responsibility can be fastened on these petitioners. It is also a fact that the petitioners were not caught on the spot and nothing has been recovered from the physical or conscious possession of the petitioners. There is no independent witness to the seizure list violating the mandatory provisions of search and seizure. Petitioners are ladies and have no criminal antecedent.

5. Taking into consideration the facts and circumstances of the case and further that the petitioners have no criminal antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/ successor Court in connection with Darigaon P.S. Case No.37 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the B.N.S.S. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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