

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27460 of 2026

Arising Out of PS. Case No.-136 Year-2026 Thana- MASHRAK District- Saran

Bhagmani Devi, Wife of Late Harakh Chaudhary R/o Vill- Sikti Bhikham,
P.S. - Mashrakh, Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 13-05-2026 Heard Mr. Samir Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Mashrakh P.S. Case No. 136 of 2026 for the offence punishable under sections 30 (a) of the Bihar Excise and Prohibition Act, lodged on 27.02.2026 by the informant.

3. As per the prosecution case, there has been recovery of 07 litres of illicit country-made liquor allegedly from backside of the house of the petitioner.

4. Learned counsel for the petitioner submits that seized article/illicit liquor was recovered from an open place, which is accessible to all, and the said place is in no way connected to this petitioner. Learned counsel for the petitioner fairly submits that the petitioner has got one criminal antecedent



akin to the present case on which she is on bail. Nothing incriminating article has been recovered from the constructive possession of the petitioner.

5. Learned APP opposes the prayer submitting that the petitioner has got one criminal antecedent.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the place from where the recovery of illicit country-made liquor has been made is an open place accessible to all, this Court is inclined to extend her the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge-II, Saran at Chapra in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document 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 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 his bail bonds.

(Ajit Kumar, J)

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