

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27461 of 2026

Arising Out of PS. Case No.-181 Year-2025 Thana- ITARHI District- Buxar

Chaiyan Devi, Wife of Subhash Mushar @ Subash Chand, R/o Vill- Itarhi
Mushar Toli, P.S.- Itarhi, Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner is apprehending her arrest in connection with Itarhi P.S. Case No. 181 of 2025 for the offence punishable under sections 30 (a) of the Bihar Excise and Prohibition Act, lodged on 09.10.2025 by the informant.

3. As per the prosecution case, there has been recovery of 61 litres of illicit country-made liquor from two huts.

4. Learned counsel for the petitioner submits that seized article/illicit liquor was recovered from two huts in two different lots i.e. 34 litres and 27 litres. The petitioner is said to have been connected with the recovery, which is to the tune of 34 liters, which was kept inside a tank in the said hut. It has



further been submitted that neither the petitioner was arrested on the spot nor anything has been recovered from her constructive possession and even the petitioner doesn't belong to the village from where the recovery has been made rather she is a resident of Uttar Pradesh. Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery of the illicit country-made liquor has been recovered from the House (hut) of petitioner.

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 doesn't belong to this petitioner and the petitioner is a resident of Uttar Pradesh, and the petitioner has got clean antecedent, 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 Exclusive Special Judge Excise Court No. I, Buxar, 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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