

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32609 of 2026

Arising Out of PS. Case No.-30 Year-2026 Thana- CHACKMEHSI District- Samastipur

Sharmila Devi W/o Santosh Sahni R/o Village - Kalaunjar, P.O and P.S -
Chakmehsi, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Abhigyan Kumar, learned counsel for
the petitioner and Mr. Awadhesh Kumar Singh, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
02.03.2026, in connection with Chakmehsi P.S. Case No. 30 of
2026, F.I.R. dated 01.03.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise (Amendment) Act, 2022.

3. Recovery is of 30 litres of *country made* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and she has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that recovery has been made from the
house in question and petitioner is not the absolute owner of the



house in question and she has been made accused merely on the ground that she is wife of co-accused person, namely, Santosh Sahni. He further submits that the petitioner is not the absolute owner of the house in question and there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 02.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Samastipur in connection with Chakmehsi P.S. Case No. 30 of 2026, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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