

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27718 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- IMAMGANJ District- Gaya

Ram Rati Devi W/O Pintu Bhuiyan @ Pintu Bharti R/O Village - Bela, P.S.-
Imamganj District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushp Raj Singh, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-07-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Imamganj P.S. Case No. 38 of 2026, registered for the offenses punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act.

3. The police on a tip off regarding storage and sale of illicit wine conducted raid in the house of the petitioner and in course of search recovered 105 liters of country made Mahua wine from the house of the petitioner.

4. Learned Advocate appearing on behalf of the petitioner submits that the entire prosecution case to the extent of recovery from the house of the petitioner falls to the ground for the simple reason that the witnesses are none else but the police personnel. Had the recovery been made from the house of



the petitioner, there would have been signature of family members in the search and seizure memo but there is clear defiance of Sections 103 of the BNSS, besides during search and seizure the video recording has also not been done which also violates Section 105 of the BNSS. Moreover, the alleged recovery even if for the sake of argument is admitted the same has been made from a joint family house and the petitioner not being owner of the house cannot be made sole accused. The petitioner is lady having fair antecedent, undertakes that she will fully cooperate with proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that recovery of the illicit wine from the house of the petitioner clearly bars anticipatory bail in terms of Section 76(2) of the Bihar Prohibition and Excise Act.

6. Having considered the submissions made on behalf of the learned Advocate for the respective parties and taking note of the infirmities in the search and seizure besides non compliance of the Sections 103 and 105 of BNSS, as also the fact that incriminating materials have been recovered from a joint family house as stated in the petition and the materials not attracting the rigors to maintain this petitioner, as also the petitioner is a lady having fair antecedent, let the petitioner above named be



released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Spl. Judge, Excise-2, Gaya Ji in connection with Imamganj P.S. Case No. 38 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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