

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30806 of 2026

Arising Out of PS. Case No.-36 Year-2026 Thana- BHUTAH I District- Sitamarhi

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Ram Somari Devi W/o Late Pragas Mukhiya R/o Village - Bhutahi Ward
No.4, PS - Bhutahi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard Mr. Hans Lal Kumar, learned counsel for the

petitioner and Mr. Satyendra Prasad, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
07.04.2026, in connection with Bhutahi P.S. Case No. 36 of
2026, F.I.R. dated 20.02.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act.

3. Recovery is of 220.5 litres of *Nepali Soufi* 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.
that nothing has been recovered from the conscious possession
of the petitioner rather recovery has been made near the
Registry Office and petitioner has been made accused in the



present case merely on the basis of suspicion and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence. Apart from the aforesaid, the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 07.04.2026.

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 two more cases 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 nothing has been recovered from the conscious possession of the petitioner and 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Bhutahi P.S. Case No. 36 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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