

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34035 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- RAHIKA District- Madhubani

Kamni Devi W/o Sarvan Mishra R/o Village- Saurath, PS- Rahika, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

2. The petitioner apprehends her arrest in connection
with Rahika P.S. Case No.58 of 2026, for allegedly having
committed offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per the allegations, levelled in the First
Information Report, which has been lodged on the basis of the
written report of the informant, to the effect that on 02.03.2026,
while he along with some Constable was on patrolling duty and
were checking vehicles near Saurath Musahari Tole Pond at
about 02:30 hours, one E-Rickshaw was seen coming. Upon
seeing the police party, the E-Rickshaw started fleeing away, but
on chase, two persons were arrested from the E-Rickshaw and



they disclosed their names as Anshu Mishra and Shivam Mishra. In presence of the witnesses, search and seizure was conducted upon which 1.125 litres of illicit liquor was recovered from the E-Rickshaw and the same was seized and a seizure list was prepared.

4. The learned counsel for the petitioner submits that the petitioner is a lady and she was not present at the place of occurrence. Her name has transpired in the case only on the fact that she is the owner of the said E-Rickshaw. The apprehended co-accused are the nephews of the petitioner who used to look after the affairs of the E-Rickshaw. The co-accused used to earn their livelihood by plying the said E-Rickshaw. The petitioner has got no connection with the seized liquor or even was not in the knowledge that liquor was being carried out on the said E-Rickshaw. It is further submitted that the petitioner has got a clean antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was not present at the place of occurrence. Her name has transpired during course of investigation, since she is the owner



of the seized E-Rickshaw, from which illicit liquor was recovered. Further, there is no criminal antecedent against the petitioner and she is a lady.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of her arrest or surrender within a period of six weeks, 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 the learned Exclusive Special Judge Excise Act, Madhubani in connection with Rahika P.S. Case No.58 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J.)

Sanjay/-

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