

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36503 of 2026

Arising Out of PS. Case No.-84 Year-2026 Thana- KUNDWACHAINPUR District- East
Champaran

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Tetri Devi, Wife of Late Khobari Paswan, Resident of Village-Gurhanwa
Bazar, P.S.- Kundwa Chainpur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and

apprehending her arrest in connection with Kundwa

Chainpur P.S. Case No.84 of 2026 registered under Section

30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 72.6 liters of Nepali liquor from the bag.

4. It is submitted by learned counsel appearing for

petitioner that alleged recovery of illicit liquor was made

from a hut, which is alleged to be belonged to this

petitioner. It is pointed out that merely on the basis of



suspicion raised by local choukidar, the petitioner was implicated with present recovery. It is also pointed out that the recovery was shown to be made from the house of this petitioner, where the process of recovery of illicit liquor *prima facie* not suggest that the mandatory legal provisions of Section 105 of the BNSS complied with. The house in issue also occupied by different adult family members and, therefore, recovery cannot be said to be made from conscious physical possession of this petitioner. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a lady of clean antecedent, accordingly, the petitioner, above-named, in the event of her arrest or surrender in the court below within a period of four weeks from today, is directed to 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 Excise Court No.-3, I/c Civil Court, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No.84 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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