

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38337 of 2026

Arising Out of PS. Case No.-123 Year-2025 Thana- DARBHANGA District- Darbhanga

Kavita Devi @ Madhubani Wali @ Babita Devi W/o- Krishna Mahto @
Krishna Kumar @ Kisun Kumar Mahto @ Krishna Kumar Mahto R/v-
Masaraf Bazar Ps- Town Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhumala Kumari

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-06-2026 1. Heard learned counsel for the petitioner Ms. Madhubala Kumari and learned A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends her arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of four cases under the Excise act and is a woman and allegation is of recovery of 360 ml of liquor from possession of Md. Wakil. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from her conscious possession and she came to be implicated based on confessional statement of Md. Wakil in



police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Town P.S. Case No.123/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than four cases, in that event, it would be presumed that petitioner had concealed her antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if



on verification it is found that petitioner has antecedent of four cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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