

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39232 of 2026

Arising Out of PS. Case No.-99 Year-2026 Thana- BAKHARI District- Begusarai

Nitu Devi Wife of Late Arjun Mahto Resident of Village- Mohanpur, Ward
No. 01, P.S.- Bakhri, District- Begusarai (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shivam Prerna, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bakhri P.S. Case No. 99 of 2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 10 litres of country made illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of 10 liters of country made liquor was made from the house of this petitioner without compliance of mandatory provisions of law regarding search as available under section 103(4) of the B.N.S. It is submitted that as the house in issue is occupied by several adult family



members, therefore, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who claims to be a lady of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the 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, above-named petitioner, in the event of her arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Begusarai/concerned court in connection with Bakhri P.S. Case No. 99 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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