

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42775 of 2026

Arising Out of PS. Case No.-82 Year-2026 Thana- SIRISIYA District- West Champaran

1. Rajkalo Devi @ Rajkali Devi Wife of Mahanth Mahato
 2. Sunaina Devi Wife of Lalan Mahato
 3. Laichi Devi Wife of Rajan Mahato @ Rajan Kumar
 4. Mala Devi Wife of Kanhaiya Mahato
- All are resident of village- Garbhua Lala Tola, P.S.- Sirisiya, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. The accused/petitioners are apprehending their arrest in connection with Sirisiya P.S. Case No.82 of 2026 registered under Sections 274 and 275 of the Bharatiya Nyaya Sanhita(in short 'BNS',2023) and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The petitioners are alleged to have engaged in illegal trade/manufacturing of illicit liquor, where there is recovery of 32 litres of IMFL/country-made liquor.



4. It is submitted by learned counsel appearing for the petitioners that the seized illicit liquor was recovered from *Maize* crops field, which is an open place accessible to the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioners. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioners surfaced solely on the disclosure made by a local Chaukidar. The petitioners claimed clean antecedent.

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

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 physical possession of these petitioners, accordingly, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-I, Bettiah, West Champaran in connection with Sirisiya P.S. Case No.82 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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