

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40164 of 2026

Arising Out of PS. Case No.-246 Year-2026 Thana- Excise P.S. District- Gopalganj

Babita Devi W/o Laldev Mahto R/o Village- Harkhuua Nahar, P.S.-
Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Vardhan

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.03.2026 in connection with Gopalganj P.S. Case No. 246 of
2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution in brief is that on
20.03.2026 at about 05.45 P.M., on secret information the police
party conducted checking near Bhingari and intercepted the
petitioner and a co-accused, who were carrying bags and plastic
sacks. Upon search, 45 pieces of country made liquor and 20
bottles of foreign liquor was recovered, total recovery of 12.600
litres, allegedly meant for illegal sale in Bihar. Hence the FIR.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. Learned counsel for the petitioner next submits that it appears from the FIR and seizure list that altogether 12.60 liters of liquor was recovered from the conscious possession of the petitioner. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 21.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of three cases other than the present case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Spl. Excise Court No. II, Gopalganj in connection with Gopalganj P.S. Case No. 246 of 2026, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below 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 below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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