

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42714 of 2026**

Arising Out of PS. Case No.-242 Year-2026 Thana- RAJNAGAR District- Madhubani

Radha Devi W/o- Jitendra Mukhiya Resident of Village- Korahiya, P.S-  
Jaynagar, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      06-07-2026                      Heard Mr. Shailendra Kumar Jha, learned counsel  
for the petitioner and Mr. Mithlesh Kumar Khare, learned APP  
for the State.

2. Petitioner seeks bail, who is in custody since  
17.05.2026, in connection with Rajnagar P.S. Case No. 242 of  
2026 corresponding to G.R. NO. 717 of 2026, F.I.R. dated  
16.05.2026 registered for the offences punishable under Section  
30(a) of Bihar Prohibition & Excise Act.

3. Recovery is of 65.00 litres of *Nepali country made*  
liquor.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and she has been falsely implicated in the  
present case on the basis of suspicion and nothing has been  
recovered from the conscious possession of the petitioner rather



recovery has been made from the place of occurrence and the petitioner has no role in the present occurrence and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and altogether 65.00 litres of Nepali country made liquor was recovered from the place of occurrence. He further submits that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of BNSS, 2023 and the petitioner is in custody since 17.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and there is non compliance of mandatory provisions of B.N.S.S, let the petitioner, above named, 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 learned Exclusive Special



Judge (Excise Court), Madhubani in connection with Rajnagar P.S. Case No. 242 of 2026 corresponding to G.R. No. 717 of 2026, subject to the following conditions :-

(1) 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 bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

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**(Rajesh Kumar Verma, J)**

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