

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42662 of 2026**

Arising Out of PS. Case No.-281 Year-2026 Thana- GARDANIBAG District- Patna

Nisha Devi W/O Rohit Mallik Resident of Village - New Ambedkar  
Nagar, Yarpur, P.S- Gardanibagh, Dist - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      02-07-2026                      1. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case  
registered for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and is a woman and  
allegation is of recovery of 29.14 litres of liquor from a sack.

4. Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from her conscious possession and even the alleged  
recovery is from a place which does not belong to the petitioner  
and she came to be implicated at the instance of the local person  
but then the name of the person who disclosed the name of the  
petitioner is not disclosed in the FIR which casts an aspersion



on the case of the prosecution, when petitioner has not been implicated based on the secret information and is a person with clean antecedent.

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

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let 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.500/- (Rupees Five Hundred) 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 Gardanibag P.S. Case No. 281 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed her antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that



petitioner is a person with clean antecedent in that event the  
provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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