

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44850 of 2026

Arising Out of PS. Case No.-248 Year-2026 Thana- Excise P.S. District- Rohtas

Sonapati Devi, Wife of Late Lallan Prasad, Resident of Village- Kona, P.S.-
Nokha, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending her arrest in connection with Excise Case

No.1211 of 2026 arising out of Sasaram Excise P.S. Case

No.248 of 2026 registered under Sections 30(a) and 62 of

the Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 285 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioner that the seized illicit liquor was recovered from



the house of the petitioner. It is further submitted that no recovery has been effected from the conscious and exclusive possession of the petitioner, and there is no material on record to establish her conscious possession of the alleged illicit liquor. It is argued that Section 103(4) of BNSS has not been complied with qua search of premises, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. It is also pointed out that the name of the petitioner surfaced solely on the ground that she is the owner of the house. The petitioner claimed clean antecedent.

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

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a lady of clean antecedent, in the event of her 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-01, Rohtas at Sasaram in connection with Excise Case No.1211 of 2026 arising out of Sasaram Excise P.S. Case No.248 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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