

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48312 of 2026

Arising Out of PS. Case No.-145 Year-2022 Thana- MANER District- Patna

Arti Devi W/O Niraj Manjhi R/O Village- Chhitnawan Mushari, P.S- Maner,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Maner P.S. Case No. 145 of 2022 registered for the offences punishable under Sections 30(a)/30(C)/32(iii)/34/36/41 of the Bihar Prohibition and Excise Act, 2018.

3. Acting on a tip off regarding storage and sale of wine, the police conducted a raid and recovered 42 litres of illicit liquor in front of the house of the petitioner, besides other recovery from the house of different persons.

4. Learned Advocate for the petitioner submitted that the FIR and the seizure memo clearly disclose that the alleged recovery has been made in front of the house of the petitioner and, as such, for the said reason, the petitioner cannot be held to



be solely responsible. Moreover, there is no compliance of Sections 103(4) and 105 of the BNSS. The reason of false implication of the petitioner is said to be one past criminal antecedent of identical nature. Since no recovery has been made from the whereabouts and the constructive possession of the petitioner and, as such, the rigors provided under Section 76 of the Excise Act would not be attracted.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that the alleged recovery has been made in front of the house of the petitioner which is an open place easily accessible to all, coupled with none compliance of the prescription of BNSS and also the fact that the petitioner is a lady, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur in connection with Maner P.S. Case No. 145 of 2022, subject to the conditions laid down in



Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023,
with the further condition that one of the bailors shall be the
own/close family members of the petitioner.

(Harish Kumar, J)

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