IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79364 of 2026

CNR No. BRHC011118382026

Arising Out of PS. Case No.-412 Year-2026 Thana- JAYNAGAR District- Madhubani

==========

Shaira Khatoon Wife of Taslim Kujra @ Taslim Marhum @ Md. Taslim Resident of Village- Union Tola Jaynagar, 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. Gauri Shankar Gupta, APP

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jaynagar P.S. Case No.412 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibiton and Excise Act.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted raid in the hut of the petitioner and in course of search, recovered 3.840 liters country-made liquor.

4. Learned Advocate for the petitioner submits that the petitioner has neither any concern with the hut in question nor any connection with the illicit liquor allegedly recovered

WEB COPY

therefrom. It is contended that, had the alleged recovery been made from the petitioner's house, the family members of the petitioner would ordinarily have been witnesses to the seizure. However, the witnesses to the search and seizure are none else but the police personnel, thereby raising a question regarding compliance with the statutory requirement prescribed under Section 103(4) of the BNSS. It is further submitted that the petitioner has been falsely implicated in the present case on account of one past criminal antecedent of identical nature, as disclosed in paragraph No.3 of the bail application; however, she is already on bail in the said case. Learned Advocate also submits that the petitioner is a woman and undertakes that she will fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that recovery from the house of the petitioner clearly bars anticipatory bail.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the discrepancies as has been shown by the learned Advocate for the petitioner in carrying out the search and seizure, more so when the petitioner completely denies that the hut belongs to

WEB COPY

her. This Court finds that the petitioner has made out a case for anticipatory bail in view of the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, Madhubani in connection with Jaynagar P.S. Case No.412 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Utkarsh.k/-

U		T	

WEB COPY