IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77232 of 2026

CNR No. BRHC011124352026

Arising Out of PS. Case No.-143 Year-2026 Thana- SIMRI District- Buxar

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Chhoti Paswan @ Sumitra Devi Wife of Late Ramayan Paswan @ Ramayan Dusadh R/O Vill.- Balihar, P.S.- Simari, Dist.- Buxar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Simari P.S. Case No. 143 of 2026, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit liquor, the police conducted a raid in the vicinity of the petitioner's house. However, upon noticing the police party, the petitioner managed to flee from the spot. Subsequently, she was identified by the local *Chaukidar*. During the course of the search, a total of 11 liters of country-made *mahua* liquor was recovered from an open place in front of the petitioner's house.

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4. Learned Advocate for the petitioner submitted that, from a bare perusal of the FIR, it is evident that the alleged recovery has been made from an open place in front of the petitioner's house, which is easily accessible to the general public, and, as such, the petitioner cannot be held responsible for the same. It is further contended that the petitioner is a woman and that, merely on account of one past criminal antecedent, she has been implicated in the present case on mere suspicion. The identification of the petitioner by the local *Chaukidar*, who is stated to be a resident of a different locality, also appears to be doubtful and *mala fide*. Moreover, while conducting the search and seizure, the statutory requirements prescribed under Sections 103(4) and 105 of the BNSS were not complied with. In the aforesaid circumstances, it is contended that the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted in the present case.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Having considered the rival submissions advanced by learned Advocates for the respective parties and taking into account the apparent discrepancies in the manner in which the search and seizure were conducted, particularly the fact that the

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alleged recovery has been made from an open place accessible to the public, as well as the fact that the petitioner is a woman and undertakes before this Court that she will fully co-operate in the proceeding of the Court, let the petitioner above named 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 Exclusive Special Judge, Excise Court No.-2, Buxar in connection with Simari P.S. Case No. 143 of 2026, 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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