IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30576 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- Ramgarh Chowk District- Lakhisarai

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Sato Devi wife of Bharthari Manjhi Resident of Village -Panghara P.S. -Ramgarh Chowk District -Lakhisarai

... ... Petitioner/s

Versus

The State of Bihar bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 01-07-2026 Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and Mr. Umanath Mishra, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest connection with Ramgarh Chowk P.S. Case No. 51 of 2026, F.I.R. dated 01.03.2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. Recovery is of 04 liters of country made liquor and 150 to 200 Kgs. of Jawa Mahua.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

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From perusal of the F.I.R. it appears that the recovery has been made from the house of co-accused Bharthari Manjhi and petitioner has been made accused in the present case merely on the ground that she is wife of co-acused Bharthari Manjhi and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused Bharthari Manjhi has been arrested from the place of occurrence. It appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitiner rather recovery has been made from the place of occurrence. Therefore, the recovery cannot be attributed to the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr. P.C./ Section 103 of BNSS, 2023 No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

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6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.LJ.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and the fact that the petitioner having clean antecedent and she has been made accused merely on the ground that she is wife of co-accused Bharthari Manjhi, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order. be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge IV-cum-Special Excise Court-I, Lakhisarai in connection with Ramgarh Chowk PS. Case No. 51 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court

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and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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