

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71691 of 2022**

Arising Out of PS. Case No.-371 Year-2022 Thana- PAROO District- Muzaffarpur

GEETA DEVI, Wife of Jitendra Mahto, R/V- Mohjama, P.S- Paroo, Dist-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh,S.P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      13-01-2023                      Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of three weeks from today.

Heard learned counsel for the petitioner and learned  
Special Public Prosecutor for the State through virtual court  
proceeding.

The petitioner is apprehending her arrest in a case  
registered for the offences punishable u/s 30 (a), 31, 32, 33 and  
41(A) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police raided the  
house of the co-accused Sunita Devi and recovered 10 litres  
country made liquor. The co-accused disclosed that the  
petitioner and the co-accused persons used to prepare and sell



country made liquor.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioner. He has further submitted that the petitioner has been implicated in this case by the co-accused Sunita Devi due to old enmity. Learned counsel has submitted that no case is made out against the petitioner. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

Learned S.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

Considering the aforesaid facts and circumstances of the case as well as the petitioner is a lady, let the above named



petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 371 of 2022, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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