

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5658 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- BAISI District- Purnia

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Veena Devi Wife Of Prithvichandra Yadav Resident Of Village- Kuriya Sikat,
Ps- Barari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

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

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in a case in
connection with Baisi P.S. Case No. 285 of 2023 dated
04.07.2023 for the offence punishable u/s 30(a), 41 and 47 of the
Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 1225.815 litres of
illicit foreign liquor was recovered from the Bolero.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. No incriminating material has been recovered from the
conscious possession of the petitioner. The petitioner is neither
the owner nor the driver of the said vehicle. The petitioner has



no concern with the alleged recovery. The petitioner is a lady who has not committed any offence as alleged. Learned counsel further submitted that the said vehicle has already been sold by the petitioner, a copy of sale agreement is annexed as Annexure-2. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. 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 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.

5. Learned A.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.

6. Considering the aforesaid facts and circumstances of the case as well as the material available on record, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail



on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Purnea in connection with Baisi P.S. Case No. 285 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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