

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13603 of 2024**

Arising Out of PS. Case No.-30 Year-2022 Thana- SONEPUR District- Saran

Neeraja Devi W/O Lal Babu Paswan Sabalpur, Kachhari Bazar, P.S- Sonapur,  
Distt.- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

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

ORAL ORDER

2      05-03-2024                      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 Sonapur P.S. Case No. 30 of 2022 dated 11.01.2022 for the offences punishable u/s 30(a), 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 50 liters of illicit country made liquor was recovered from the house of the co-accused Lal Babu Paswan.

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 recovery was made



from the joint house property. The petitioner has been made accused in this case only because she is wife of the co-accused, Lal Babu Paswan. The petitioner has no concern with the alleged recovery. 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 her 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, Saran at  
Chapra in connection with Sonapur P.S. Case No. 30 of 2022,  
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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