

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2415 of 2025**

Arising Out of PS. Case No.-366 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Sunita Devi, Wife of Shivchandra Das, Resident of Village- Paswan Chowk,
Ward No. 9, P.S.- Mohiuddin Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-02-2025 1. Heard Mr. Dilip Kumar Roy, learned counsel for
the petitioner and Mr. Rabindra Kumar, learned APP for the
State.
2. The petitioner apprehends his arrest in connection
with Mohiuddin Nagar P.S. Case No. 366 of 2022 dated
19.12.2022 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of four
liters of country made liquor from one *gumti* belonging to the
petitioner and her husband and as per prosecution story on
seeing police party, petitioner and her husband firstly attempted
to flee but petitioner's husband was apprehended and petitioner



managed to escape by taking advantage of darkness and it is an admitted position that the seized liquor was not recovered from the conscious possession of this petitioner and if the prosecution story is believed then the main allegation appears to be against the husband of the petitioner who has been arrested. The petitioner has been made an accused mainly because of her position in fleeing but that was a normal behaviour on account of seeing the police party. These materials are sufficient to show that the alleged offence under Excise Act is not attracted against this petitioner even *prima facie*, so, petitioner's prayer is not hit by the provision of Section 76(2) of Bihar Prohibition and Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions made by petitioner's counsel, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Mohiuddin Nagar P.S. Case No. 366 of 2022 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like



amount each to the satisfaction of the Court concerned, subject
to the conditions as laid down under Section 482(2) of the
B.N.S.S.

(Shailendra Singh, J)

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