

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5113 of 2025

Arising Out of PS. Case No.-743 Year-2024 Thana- Excise P.S. District- Siwan

Sindhu Kumari W/O Anil Kumar Singh @ Anil Singh R/O Village-
Majhwaliya, P.S- G.B. Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Swarnima, Advocate
	:	Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Ms. Swarnima, learned counsel for the

petitioner and Mr. Nagendra Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Siwan Excise P.S. Case No. 743 of 2024, F.I.R
dated 22.11.2024 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 2.250 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the ground that she is
owner of the vehicle in question. She further submits that it
appears from the F.I.R as well as seizure list that nothing has



been recovered from the conscious possession of the petitioner rather the recovery have been made from the vehicle in question and the petitioner has given the vehicle in question to the apprehended co-accused person who was apprehended along with the illicit liquor with the vehicle in question. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./ Section 103 of B.N.S.S., 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.

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.L.J.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, the petitioner



has clean antecedent, nothing has been recovered from conscious possession of the petitioner and she has been made accused in the present case merely on the ground that she is owner of the vehicle in question, let the petitioner, above named, in the event of her 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Special Excise Court-II, Siwan in connection with Siwan Excise P.S. Case No. 743 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.



iii. 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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