

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5237 of 2025

Arising Out of PS. Case No.-554 Year-2024 Thana- JAMUI District- Jamui

Sudha Singh Daughter of Dharendra Singh village- Ward no. 1 Hanuman Nagar Semariya, Jasidih, Ps- Jasidih, Dist- Deoghar Jharkhand at P/A- Wife of Narendra Singh, Son of Late vedanand Singh, Hanuman nagar, Simariya, Ps- Jasidih, dist- Deoghar Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioner as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Jamui P.S. Case No.554 of 2024, F.I.R. dated 19.05.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of 4.5 liters of liquor from a motorcycle.

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 seized motorcycle in question. He further submits that it appears from the F.I.R. itself that nothing has been



recovered from the conscious possession of the petitioner, rather recovery has been made from the motorcycle in question and petitioner's husband, Narendra Singh would misuse the vehicle in the manner as alleged who was also apprehended from the spot with illicit liquor along with motorcycle. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Therefore, the recovery cannot be attributed to the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr. P.C./ Section 103 of BNSS, 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 and petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, Jamui in connection with Jamui P.S. Case No.554 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 his criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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