

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6148 of 2025

Arising Out of PS. Case No.-33 Year-2023 Thana- DEODHA District- Madhubani

Rupa Devi W/O Tej Narayan Yadav R/O Vill- Saharganj Benta DMC, Ahila,
P.S.- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Ms. Kumari Pallavi, learned counsel for

the petitioner and Mr. Parmanand Prasad, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Deodha P.S. Case No. 33 of 2023, F.I.R. dated 16.04.2023 for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 135 liters of Nepali liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.



He further submits that the petitioner is not named in the FIR, the name of the petitioner has been transpired during the investigation on the basis of the disclosure made by the co-accused person, namely, Pinku Kumar Sahni and petitioner has been made accused in the present case merely on the ground that he is owner of 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. Learned Additional Public Prosecutor for the State, on the other hand, 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 that nothing has been recovered from conscious possession of the petitioner, the petitioner has clean antecedent and she has been made accused merely on the ground that she is the owner of the vehicle in question, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-Cum-Special Judge, Excise, Madhubani in connection with Deodha P.S. Case No. 33 of 2023, 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 his 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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