

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11999 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- DUMRAO District- Buxar

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Suman Devi, W/o Musafir Rai, R/o Village- Lalganj Kadvi, P.S.- Dumraon,
Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-04-2025 Heard Mr. Ajit Kumar, learned counsel for the
petitioner and Mr. Nityanand, learned APP for the State.

2. The petitioner apprehends her arrest in connection with Dumraon P.S. Case No. 382 of 2024 dated 31.12.2024 registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. As per the prosecution story, on 31.12.2024 at about 10:00 A.M., acting upon secret information, the informant alongwith other police officials conducted a raid at the residence of Hareram Rai in Lalganj, Dumraon. During the search, the petitioner's son was found in possession of a white sack containing 20 litres of illicit liquor and her mother (petitioner) and brother managed to escape.

4. The main submissions advanced by petitioner's



counsel are that the petitioner is a lady, though against her there are criminal antecedents of four cases, out of them, three relate to the offences under the Excise Act but she is on bail in all the said cases and so far as the recovery of the excise material in the present matter is concerned, the same is not alleged to have been shown by the police party in the conscious possession of the petitioner when the alleged place was raided and the petitioner has been made accused mainly on the basis of suspicion as well as her antecedents. It is further submitted that one co-accused, namely, Hareram Kumar @ Hareram Rai carrying similar nature of allegation has been granted the relief of anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.03.2025 passed in Cr. Misc. No. 9510/2025 and the co-accused is also carrying one criminal antecedent.

5. Learned APP for the State has opposed the prayer of the petitioner.

6. Heard both the sides and perused the FIR. Though the petitioner is a lady but she has remained accused in four cases in addition to the present matter and out of her criminal antecedent cases, three relate to the offences under Excise Act and the instant matter also relates to the recovery of liquor and as per the FIR, the police received the information



that the liquor was being sold at the house of this petitioner and when the police party raided the house of the petitioner, she and her son started fleeing and managed to escape on seeing the police party but another son of this petitioner, was apprehended at the spot who revealed the name of this petitioner as being escaped. In view of this conduct particularly, the petitioner's criminal antecedents it can not be said that the alleged offence of the Excise Act does not attract against this petitioner, so, considering the provisions of Section 76(2) of the Excise Act, this Court finds the petitioner's prayer to be not maintainable. Accordingly, her prayer stands rejected.

7. However, the petitioner is given a liberty to surrender within four weeks from today, if she surrenders within the said period then the learned trial court will decide her prayer on the same day without being prejudiced with this order according to merit.

(Shailendra Singh, J)

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