

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8065 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- EXCISE ARERAJ District- East
Champaran

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Nisha Kumari Daughter of Lakhindra Sahani @ Lakhindra Sahani, Resident
of Village- Banparuwa, P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. (Dr.) Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 30(a) and
37 of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
allegation is of recovery of 80 litres of liquor from a motorcycle.
It is next submitted that petitioner was not arrested from the
spot, as such, nothing has been recovered from her conscious
possession and she came to be implicated based on the fact that
she is the owner of the seized motorcycle. It is next submitted
that no prudent person would use her owned vehicle for



committing an offence and then put the evidence against herself and hence would get implicated. It is also submitted that petitioner was completely unaware that Bhagya Narayan and Awadhesh would misuse the vehicle in the manner as alleged, who were also apprehended from the spot.

4. Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial Court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred only) with two sureties of the like amount each to the satisfaction of the learned trial Court, where the case is pending / successor Court, in connection with **Excise (Areraj) P.S. Case No. 140 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. It is made clear that that thereafter, the learned trial Court shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found



that petitioner is a person with clean antecedent, in that event,
the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

Shahnawaz/-

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