

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15745 of 2025

Arising Out of PS. Case No.-1214 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Kiran Devi W/o- Ajay Kumar Village- Khemai Patti Ps- Sakra Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Sheo Kumar Prasad, learned counsel for
the petitioner and Mr. Harendra Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Excise P.S. Case No. 1214 of 2024, F.I.R dated
04.07.2024 registered for the offences punishable under Section
30(a) and 32(iii) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 10 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and 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. He
further submits that it appears from the F.I.R and seizure list
that nothing has been recovered from the conscious possession



of the petitioner and she has made accused merely on the ground that she is the owner of the vehicle in question, from which the alleged recovery has been made. He further submits that it appears from the F.I.R. itself that Ajay Ram and Nirbhay Kumar were apprehended and they have not stated anything about the petitioner and she has been made accused merely on the ground that she is registered owner of the vehicle in question.

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, nothing has been recovered from conscious possession of the petitioner, the petitioner has clean antecedent and and she has made accused



merely on the ground that she is the owner of the vehicle in question, from which the alleged recovery has been made, 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 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 Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 1214 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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, her 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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