

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17456 of 2025**

Arising Out of PS. Case No.-385 Year-2024 Thana- CHIRAIYA District- East Champaran

Mina Devi Wife of Mahabir Sah Resident of Village- Barka Shitalpatti, P.S.-  
Chiraiya, Distt.- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate  
For the State : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-04-2025                      Heard Mr. Pramod Kumar Prasad, learned counsel for  
  
the petitioner and Mr. Bhanu Pratap Singh, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in  
connection with Chiraiya P.S. Case No. 385 of 2024, F.I.R dated  
01.10.2024 registered for the offences punishable under Section  
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 30.9 liters of *Nepali* liquor.

4. Learned counsel for the petitioner submits that  
the petitioner is innocent 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 that nothing has been recovered from the  
conscious possession of the petitioner rather the recovery has



been made from the house in question and petitioner is not the exclusive owner of the said house. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. 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 and submits that petitioner has one criminal antecedent but fairly submits on the basis of paragraph-3 of the bail application that she is on bail in pending matter.

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 circumstances, nothing has been recovered from conscious possession of the petitioner and petitioner is not the owner of the house in question, let the petitioner, above named, in the



event of her 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 Special Judge, Excise Court No-01, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 385 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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