

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19961 of 2025

Arising Out of PS. Case No.-410 Year-2024 Thana- JAMOBABAZAR District- Siwan

Manturan Devi Wife of Mohan Chaudhary Resident of Village- Barhoga Yadu
Tola, Sirsiya, P.S.- Jamo Bazar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and Ms. Sangeeta Sharma, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection
with Jamo Bazar P.S. Case No. 410 of 2024, F.I.R dated
04.12.2024 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Amendment Act.

3. Recovery is of 20 liters of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and has falsely been implicated in
the present case on the basis of the suspicion. 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 rather the recovery has been made near the house of the



petitioner. The name of the petitioner came on the basis of the disclosure made by the local Chowkidar.

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 and the petitioner has clean antecedent and the name of the petitioner has been come on the basis of the disclosure made by the local Chowkidar, 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 Excise Court No. 1, Siwan in connection with Jamo Bazar P.S. Case No. 410 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)

Jyoti Kumari/-

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