

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18847 of 2025

Arising Out of PS. Case No.-387 Year-2023 Thana- SIDHWALIYA District- Gopalganj

Chandrawati Devi Wife of Kapurchandra Mahto @ Kapur Mahto @
Kapurchand Mahto Resident of Village - Hasanpur, P.S. - Sidhwalia, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2025 Heard Mr. Dhramveer, learned counsel for the
petitioner and Ms. Anita Kumari, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection
with Sidhwalia P.S. Case No. 387 of 2023, F.I.R dated 31.12.2023
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise 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. 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 from a Bandh, which was in front of the petitioner's house



and she has been made accused on the basis of suspicion.

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, 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 Addl. Sessions Judge-XIII-cum-Special Excise Court No. 01, Gopalganj, in connection with Sidhwalia P.S. Case No. 387 of 2023, 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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