

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21688 of 2025

Arising Out of PS. Case No.-366 Year-2024 Thana- MAHNAR District- Vaishali

Nimisha De Daughter of Sudin Prasad Yadav, Wife of Vikash Kumar Resident
of Village - Gouspur, Ward No.5, Police Station - Salakhua, District - Saharsa
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending her arrest in connection with Mahnar P.S. Case No. 366 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to have in possession of 535 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is implicated with this case only for the reason that she is the registered owner of the vehicle bearing Registration No. BR01HT-7087. It is submitted that admittedly she is not present



in the vehicle at the time of raid and, therefore, it can be safely said that recovery of illicit liquor was not made from her conscious physical possession, who claims to be a lady of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, who is a lady of clean antecedent, accordingly, above-named petitioner, in the event of her arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II-cum-Additional District and Sessions Judge, Hajipur, Vaishali, in connection with Mahnar P.S. Case No. 366 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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