

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23558 of 2025

Arising Out of PS. Case No.-537 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Baby Devi Wife of Sadanand Singh @ Bijali Singh Resident of Village-
Sardiha, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Simri Bakhtiyarpur P.S. Case No. 537 of 2024 lodged on
27.11.2024, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2022

3. As per the prosecution, total recovery of 20 litres of
illicit liquor has been made which is the subject matter of the
present case.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that FIR has been lodged against unknown persons and
petitioner is not named in the FIR and nothing has been



recovered from the petitioner's possession. Counsel submits that the present case has been filed with a view to teach a lesson to the petitioner who has filed a complaint case against the brutality of the police which is annexed as Annexure-2. Counsel submits that the said complaint has been filed bearing Complaint Case No.171C of 2023 and after getting information that the petitioner has filed a case against the police, then the police has inserted the name of the petitioner in this case. Counsel further submits that petitioner has no criminal antecedent and she is ready to fulfill all the conditions whatsoever shall be imposed upon her.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the ingredients of Excise Act are present in this case and petitioner's anticipatory bail is not maintainable.

6. In the light of the submissions made and upon going through the allegation, one thing is very surprising that in the FIR, name of petitioner has been disclosed in the *fardbayan*, but in the performa of the FIR, case has been filed against unknown persons and this creates doubt in the mind of the Court. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory



bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Exclusive Special Judge (Excuse) II, Saharsa, in connection with Simri Bakhtiyarpur P.S. Case No. 537 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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