

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26133 of 2025

Arising Out of PS. Case No.-302 Year-2024 Thana- HARLAKHI District- Madhubani

Laruvati Devi, W/o Mithilesh Mukhiya @ Mithilesh Kumar Mukhiya,
Village- Sonai, P.S.- Khirhar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard Mr. Rajesh Kumar, learned Advocate appearing
on behalf of the petitioner and Ms. Sucheta Yadav, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Harlakhi P.S. Case No. 302 of 2024, registered for the
offences punishable under Sections 281, 274, 275, 3(5), 125(a)
of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) and 37
of the Bihar Prohibition and Excise Act, 2022.

3. The police on a tip off trafficking of illicit wine
apprehended two persons who were riding on a motorcycle
bearing registration no. BR32AP7091. In course of search,
300ml country made liquor was recovered from their
possession. Apart from that, it is alleged that both the persons
were under the influence of intoxication.



4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that admittedly the petitioner was not present at the place of occurrence and only on account of she being owner of the motorcycle in question, her name has been implicated in this case. In fact, on the alleged date of occurrence, the motorcycle was taken away by one of his neighbours and she was not knowing that her vehicle had ever been used for illicit purpose or trafficking of illicit wine. Save and except the petitioner being registered owner, there is no other material suggesting her complicity in the crime. The alleged recovered illicit wine is of only 300ml and, as such, it cannot be said that the vehicle has ever been used for the purposes of trafficking. The petitioner bears fair antecedent and she undertakes before this Court that she will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the vehicle in question was seized by the police while the accused persons were carrying illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the petitioner being owner of the motorcycle, there is no



other material suggesting her complicity in the crime, coupled with the quantity of the illicit wine and the fair antecedent as also the materials which do not attract the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2022, let the petitioner above named be released on bail, in the event of her arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of District and Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 302 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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