

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29080 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- EXCISE BENIPUR District- Darbhanga

Mira Devi, W/O Birendra Paswan @ Virendra Paswan, R/O Village- Lohani,
Ward No. 2, P.S- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise Benipur P.S. Case No. 10 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police in course of vehicle checking intercepted one motorcycle rider, who was moving with the motorcycle, bearing registration no. BR07BC- 2506. In course of search, total 36 litres of illicit liquor was recovered from the dickey of the motorcycle, which led to preparation of the seizure list.

4. Learned Advocate for the petitioner contended that on the fateful day, the son of the petitioner had gone with the motorcycle, in question, and in fact the petitioner was not



knowing this fact as to whether the motorcycle is used for any illicit purpose. Only on account of the petitioner being the registered owner of the motorcycle, in question, her name has been implicated in this case and there is no material suggesting the complicity of the petitioner in the crime. The petitioner is a lady, having fair antecedent and there is nothing on record, which even remotely connected the petitioner with the crime. There are various other infirmities in the search and seizure.

5. On the other hand, learned APP for the State opposes the bail application and submits that recovery of illicit liquor has been made from the dickey of the motorcycle of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that only on account of petitioner being the owner of the motorcycle, in question, her name has been implicated in this case, having fair antecedent and lack of materials attracting the provisions as provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-I, Darbhanga in connection with Excise Benipur P.S. Case No. 10 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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