

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29317 of 2025

Arising Out of PS. Case No.-182 Year-2025 Thana- GARDANIBAG District- Patna

Sweety Kumari @ City wife of Sunni Kumar, Resident of village - Yarpur, Musahari Jhoppadpatti, New Ambedkar colony, Yarpur, P.O. GPO, P.S.- Gardanibagh, Dist- Patna, At present Harijan Tola, Ward no. 34, P.S.- Kankarbagh Lohia Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-05-2025 Heard Mr. Hemant Ray, learned Advocate appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Gardanibagh P.S. Case No. 182 of 2025, registered for the offences punishable under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is of involved in trafficking of illicit wine. The police on a secret information raided the hut of the petitioner and in course of search, 14 litres of Indian made foreign liquor and 64 litres of country made liquor were recovered.

4. Learned Advocate appearing on behalf of the



petitioner taking this Court through the FIR contended that the petitioner has neither any concern with the hut in question, nor with the illicit wine. However, on the alleged date of occurrence the petitioner was present nearby the hut, and only on suspicion her name has been implicated in this case. Apart from the petitioner being lady, has absolutely clean antecedent and she undertakes before this Court that she will fully cooperate in the investigation and the proceeding of the Court. While concluding the submission, learned Advocate for the petitioner further submitted that, had the recovery been made from the hut of the petitioner, there would have been signature of any of the family member of the petitioner, but surprisingly the witnesses are none else, but police constable and thus, *malafide* is writ large.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that alleged recovery from the hut of the petitioner clearly bars the anticipatory bail in view of Section 76(2) of the Bihar Prohibition & Excise Act, 2016.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the petitioner that the hut in question does not belong to the petitioner, coupled with the fair antecedent and the infirmity in



the search and seizure as well as absence of material which attracts the provision under Section 76(2) of the Bihar Prohibition & Excise Act, 2016, 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 Special Judge, Excise Act, 1st, Patna in connection with Gardanibagh P.S. Case No. 182 of 2025, 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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