

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31439 of 2025

Arising Out of PS. Case No.-390 Year-2024 Thana- Excise P.S. District- Araria

Divya Kumari W/o Pinku Kumari Sardar R/o Village- Barudah, Ward No. 03,
P.S.- Sikti, District- Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Araria Excise P.S. Case No. 390 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, a motorcycle rider, noticing the police party, left his bike and succeeded in fleeing away. In course of search, 54 lts. of illicit liquor was recovered from a bag which was tied with the motorcycle.

4. Learned counsel for the petitioner contended that, in fact, the petitioner is a lady and only on account of she being a registered owner of the motorcycle in question, her name has been implicated in this case. On the fateful day, the alleged



motorcycle was taken away by one of the co-villagers on the pretext of bringing some household articles and the petitioner was not knowing this fact as to whether her motorcycle has ever been used for illicit purpose. The witnesses to the seizure are none else but the police personnel. Moreover, there is no compliance of Sections 103 and 105 of the BNSS. The FIR also suggests that the petitioner was not even present at the place of occurrence; hence, in no circumstances, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is attracted. All the more, the petitioner is having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact the name of the petitioner has been implicated only on account of she being owner of the motorcycle in question and there is no other material suggesting connection of the petitioner with the recovered illicit wine, coupled with her fair antecedent and the infirmities as also the lack of ingredients attracting the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the above named petitioner, be released on bail, in



the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum-Exclusive Special Excise Judge-II, Araria in connection with Araria Excise P.S. Case No. 390 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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