

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33701 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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RENU DEVI Wife of Sanjay Paswan Resident of Village- Chhapki Parri,
Police Station- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2025 Heard Mr.Shashi Ranjan Kumar, learned counsel for

the petitioner and Mr.Madhura Nand Jha, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with L.N.M.U. (University) P.S.Case No.73 of
2025,FIR dated 06.04.2025 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act,2016/2018/2022.

3. Recovery is of 783 liters of Nepali liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the ground that the
petitioner is owner of the Scooty in question. It appears from



the FIR as well as the seizure list that altogether 846 liters of liquor was recovered. 747 liters of liquor was recovered from the Hut in question, 36 liters of liquor was recovered from the Scooty in question and 63 liters of liquor was recovered from the house of one Lalit Paswan. Learned counsel for the petitioner submits that in fact the petitioner has given the Scooty to one Nitish Kumar Yadav who was apprehended alongwith liquor or the Scooty in question and petitioner has been made accused in the present case merely on the ground that she is registered owner of the Scooty in question and co-accused person, namely, Raushan Paswan @ Chandan Kumar has been granted privilege of anticipatory bail by this Court vide order dated 21.05.2025 passed in Cr. Misc. No. 33510 of 2025. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.



6. This Court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav Vs. State of Bihar** reported in **2019 (2) PLJR 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of Counsel for the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner and petitioner has been made accused in the present case merely on the ground that she is registered owner of the Scooty in question, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with L.N.M.U. (University) P.S.Case No.73 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-



(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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