

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37799 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- JAMUI District- Jamui

Sita Devi W/o Late Suresh Manjhi, R/o Vill - Bhachhiyar, P.S.- Jamui, Distt.-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with Jamui P.S. Case No.25 of 2025 instituted under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
52.5 liter country made liquor from the house of petitioner out
of which 7 liter country made liquor was recovered from the
dicky of motorcycle which was parked in the *Verandah* of
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case due to
village politics. He further submits that the motorcycle which
was parked in *Verandah* belongs to the son-in-law of petitioner



and the house from where the recovery has been made was open. Learned counsel submits that videography of the seizure has not been done by the police and there is no independent witness to the seizure list. He further submits that from the perusal of seizure list it appears that the recovery has been made nearby the house of petitioner. Learned counsel submits that there is delay in sending the F.I.R. to the Court concerned. He further submits that petitioner has two criminal antecedents, in which she is on bail and she undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having two criminal antecedents of similar nature and the recovery has been made from the house of the petitioner. Therefore, she does not deserve the privilege of anticipatory bail. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as the



criminal antecedents of petitioner of similar nature, as stated above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, her prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioner surrender before the learned Trial Court and seek regular bail, the same shall be decided on its own merit without prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

Ritik/-

U		T	
---	--	---	--

