

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40448 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- DHANSOI District- Buxar

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Puspha devi Wife of Jitendra Bin Resident of village- Amarpur, P.S.- Dhansoi,
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Dhansoi P.S. Case No. 45 of 2025, instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. On secret information, the police reached and recovered 17.6 litre illicit liquor from the house of the petitioner and petitioner along with her son fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated. Nothing has been recovered from the possession of the petitioner but the same was from the house of the petitioner which is under construction and in which door was open. Petitioner has no concern with the seized liquor. Seizure-list witnesses are not independent. She



undertakes to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the recovery of illicit liquor is from the house of the petitioner who is habitual offender as she has four criminal antecedents of similar nature. 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 the fact that petitioner has four criminal antecedents of similar nature, this Court is not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the prayer of anticipatory bail of the petitioner is rejected.

(Sunil Dutta Mishra, J.)

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