

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41169 of 2025

Arising Out of PS. Case No.-197 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Sunita Devi W/o Ritesh Mandal R/o Village- Fatuchak, P.O and P.S-
Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Rohit

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Jagdishpur (Goradih) P.S. Case No. 197/2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 21 liters illicit Mahua liquor from the Red Bajaj Platina motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. The petitioner is a lady and



bears no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. He further submits that during Covid-19 pademic, the petitioner gave the said motorcycle to co-accused Chhotu Das for treatment of his wife who was suffering from Corona and the said motorcycle has been misused by the said co-accused Chhotu Das. The petitioner has nothing to do with the alleged occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and conceded that the petitioner was the owner of the said motorcycle.

6. Considering the facts and circumstances of the case, petitioner being a lady having no criminal antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Court of learned
Special Judge, Excise, Bhagalpur in connection with Jagdishpur
(Goradih) P.S. Case No. 197/2020, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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