

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39960 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- BODHGAYA District- Gaya

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Renu Devi W/o Govinda Manjhi @ Govind Kumar Manjhi @ Govind Kumar Manjhi R/o Village- Chhanchh, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2025 Heard Mr. Arvind Kumar Singh, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest connection with Bodhgaya P.S. Case No. 209 of 2025, F.I.R. dated 20.03.2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. Recovery is of 08 liters of *Mahua* liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather



recovery has been made from the outside house of the petitioner and she has been made accused on the basis of suspicioin and altogether 08 litres of Mahua liquor was recovered from the outside house of the petitioner. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and recovery has been made from the outside house of the petitioner which is an open place. Therefore, the recovery cannot be attributed to the petitioner. 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. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory 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) P.L.J.R. 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 and the fact that petitioner having clean antecedent and nothing has been recovered from conscious possession of the petitioner and the recovery has been made from the open place, 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 Additional Sessions Judge-cum-Exclusive Special Judge, Court No. 1, Gaya in connection with Bodhgaya PS. Case No. 209 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:-

1. 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. 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.

3. 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 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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