

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43312 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- SAHARGHAT District- Madhubani

Fulo Devi W/o- Ganesh Das Village- Revarha PS- Jale Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with G.R. No. 1762 of 2024 arising out of Saharghat P.S. Case No. 113 of 2024 registered for the offences punishable under Sections 274, 275, 3(5) of BNS and 30(a) of Bihar Prohibition and Excise(Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 36 litre nepali liquor from the motorcycle bearing registration no. BR07AZ-7550 and co-accused Ganesh Das was apprehended on the spot.

4. Learned counsel for the petitioner orally submits that petitioner is not named in the FIR and her name has been transpired in the present case during the course of investigation



as owner of the motorcycle in question. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR. Learned counsel further submits that co-accused, Ganesh Das, was apprehended on the spot along with motorcycle and petitioner being wife of the said co-accused has falsely been implicated in the case just because she is the owner of the motorcycle in question. Apart from that, petitioner being a lady having no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that there is no compliance of mandatory provision of Section 103 of B.N.S.S. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 36 litre nepali liquor from the motorcycle in question.

6. Considering the facts and circumstances of the case, petitioner being a lady having clean 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 Special Judge, (Excise Court), Madhubani in connection with G.R. No. 1762 of 2024 arising out of Saharghat P.S. Case No.113 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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