

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59581 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- KHIRHAR District- Madhubani

Fuliya Devi W/O late Raj Kumar Yadav Resident of Village- Sapta, Police
Station- Rahika, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2025 Heard Mrs. Archana Anand, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending her arrest in connection with Khirhar P.S. Case No. 28 of 2025 for the offence under sections 274, 275 and 317(5) of the BNS and Sections 30(a) and 37 of the Bihar Prohibition and Excise Act lodged on 05.04.2025 by the informant, Raviranjana Kumar.

3. As per the prosecution story, the Police intercepted a motorcycle, one Vimal Kumar was riding it and there is recovery/seizure of 36 liters of Nepali liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that only because the motorcycle belongs to her, being driven by the son who got arrested, she has been implicated.



5. Learned APP opposes the prayer submitting that the motorcycle belongs to her.

6. Taking into account the submissions of the parties as also that the son was arrested alongwith the liquor, the lady only owns the motorcycle and she has no criminal antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Excise Court), Madhubani in connection with Khirhar P.S. Case No. 28 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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