

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56939 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- PATHAMARI District- Kishanganj

Babita Devi W/O Nitish Kumar R/O Village- Khasganj, P.S.- Sohsarai,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Pathamari P.S. Case No. 13 of 2025 dated 08.05.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1345.50 litres illicit foreign liquor was recovered from the Pick-up Van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is only the owner of the seized vehicle, but he has no concern with alleged recovery. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.



No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Kishanganj in connection with Pathamari P.S. Case No. 13 of



2025, subject to conditions as laid down under section 482(2) of
the B.N.S.S.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Siddharth Soni/-

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