

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57194 of 2025

Arising Out of PS. Case No.-23 Year-2022 Thana- Excise P.S. District- Madhepura

Gauri Devi @ Gouri Devi W/o Manoj Das, R/o Village- Aadarsh Nagar, Ward
No. 7, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Pooja Prasad, Advocate.
		Mr. Binod Kumar Sinha, Advocate.
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

2. The petitioner apprehends her arrest in connection
with Madhepura Excise P.S. Case No.23 of 2022 instituted
under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information
that co-accused persons used to deal with illicit liquor from a
motorcycle in Madhepura, the police went to the said place. On
seeing the police, the accused persons tried to flee away but
were apprehended and on search the police recovered 27.75 litre
illicit country-made liquor from the Bajaj motorcycle which
belongs to the petitioner.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been implicated in this case being the owner of the motorcycle. He further submits that one friend of husband of petitioner had taken the motorcycle for personal use but he misused the same in illegal work. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that petitioner was not present on the spot and no incriminating material has been recovered from her conscious possession. Learned counsel submits that petitioner has two criminal antecedents of similar nature and she undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that the seized liquor was recovered from her motorcycle and her defence that her motorcycle was taken by one friend of her husband is not satisfactory and she is also involved in two criminal cases of similar nature. Therefore, the petitioner being habitual offender does not deserve the privilege of anticipatory bail. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties as well as the criminal antecedents of petitioner of similar nature, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, her prayer for anticipatory bail is, hereby, rejected.

(Sunil Dutta Mishra, J)

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