

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63473 of 2025

Arising Out of PS. Case No.-434 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Sarita Devi W/O Arun Sah Resident of Village- Tilak Tajpur, P.S.-
Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj

For the Opposite Party/s : Mr. Kalyan Shankar

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

ORAL ORDER

3 05-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Runnisaidpur P.S. Case No. 434 of 2023 dated 21.08.2023 for the offences punishable under Sections 414, 420, 467, 468, 471 read with 34 of the I.P.C. and Sections 30(a), 32, 36, 38 and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1383 litres of illicit foreign liquor was recovered from different vehicles.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has one criminal antecedent as stated at 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. The petitioner is the owner of one of the vehicles as stated in para-8 of the bail petition. The said vehicle was being driven by the petitioner's husband. The petitioner has no concern with the alleged recovery. The co-accused person has already been granted anticipatory bail by this Court vide order dated 18.12.2023 passed in Cr. Misc. No. 76635 of 2023. 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, Sitamarhi in connection with Runnisaidpur P.S. Case No. 434 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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