

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64463 of 2025

Arising Out of PS. Case No.-467 Year-2020 Thana- TEKARI District- Gaya

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Anita Devi, W/o Baban Chaudhary, Resident of village- Fatehpur, P.S.-
Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-09-2025 Heard Mr. Yogesh Kumar, learned Advocate for the

petitioner and Mr. Parmanand Kumar, learned APP for the State.

2. The petitioner apprehends her arrest in connection
with Tekari P.S. Case No. 467 of 2020 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act.

3. The police in course of patrolling, intercepted a
motorcycle, bearing registration no. BR02AP-2681, and tried to
apprehend the persons, who were sitting on motorcycle,
however, they succeeded in fleeing away after leaving the
motorcycle. On search, total 20 litres of illicit liquor was
recovered.

4. Learned Advocate for the petitioner submitted that
the petitioner is a woman and only on account of she being the



registered owner of the motorcycle, in question, her name has been implicated in this case. The petitioner was neither found present at the place of occurrence nor during the course of investigation any material has been collected suggesting her complicity. There are various other infirmities in search and seizure. In fact, on the alleged date of occurrence co-accused Shailesh Choudhary, who happens to be the brother-in-law of the petitioner, had taken away the motorcycle and she was not aware that the vehicle, in question, was used for illicit purpose. The petitioner bears fair antecedent and undertakes that she will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was evading her arrest for the last five years.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which, prima facie, do not attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, coupled with the fact that the motorcycle, in question, was taken away by the brother-in-law of the petitioner, as also the fact that the petitioner is a woman, having fair antecedent, let the petitioner, named above, in the event of her



arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-2, Gaya in connection with Tekari P.S. Case No. 467 of 2020, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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