

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67235 of 2025

Arising Out of PS. Case No.-449 Year-2024 Thana- Excise P.S. District- Kishanganj

Uma Das D/O Santosh Karar, W/O Ashes Das, R/O Village- Chandiberia
South, Krishnapur, P.S- New Town, Distt.- North 24 Pargana (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the State : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending her arrest,
in connection with Excise P.S. Case No. 449 of 2024, dated
02.04.2024, registered for the offences punishable under
Sections 30(a) 32(3) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per allegation, only 650 milliliter of illicit liquor
has been recovered from the *Maruti Suzuki Car* belonging to the
petitioner, when the same was being driven by her acquaintance.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that as per the allegation, the vehicle in



question, which belongs to the petitioner, cannot be deemed to be carrying the contraband and hence, there is no question of implication of the owner/petitioner in the alleged offence. In this context, he also refers to and relies upon the following judgments passed by a Division Bench of this Court of which I was also a part, wherein it was held that in such situation, the vehicle cannot be held to be used in the commission of the alleged offence:

- (i) **Sunaina Vs. State of Bihar**
2024 SCC OnLine Pat 851
- (ii) **Munna Ram Vs. The state of Bihar**
2024 SCC OnLine Pat 852
- (iii) **Amarjeet Yadav Vs. The State of Bihar**
2024 SCC OnLine Pat 853
- (iv) **Binit Kumar Vs. State of Bihar**
2024 SCC OnLine Pat 850
- (v) **Shanti Devi Vs. State of Bihar**
2024 SCC OnLine Pat 849

5. Hence, as per learned counsel for the petitioner, there was no occasion to seize the vehicle, or implead the owner of the vehicle as accused. As such, no *prima facie* case is made out as per the alleged facts and circumstances.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the



bail petition that the petitioner has no criminal antecedent.

8. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances and the fact that no *prima facie* case is made out against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Excise P.S. Case No. 449 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedents despite her knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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