

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65665 of 2025

Arising Out of PS. Case No.-281 Year-2025 Thana- CHAPRA MUFFASIL District- Saran

Babuni Devi W/O Birendra Mahto R/O - Sutihar Pirari, P.S.- Derani, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar Tiwary

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending her arrest in connection with Muffasil P.S. Case No. 281 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 170 litre illicit liquor was recovered from Scooty in question and co-accused Birendra Mahto was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the seized Scooty in question. Learned counsel orally submits that the said Scooty of the petitioner has



been misused by someone who has taken the said Scooty on the pretext of medical emergency. Petitioner being lady has no knowledge regarding the illicit liquor. She was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner being a lady having no criminal antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise-I, Saran in connection with Muffasil P.S. Case No. 281
of 2025, subject to the conditions as laid down under Section
482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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