

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65631 of 2025

Arising Out of PS. Case No.-48 Year-2020 Thana- ARARIA District- Araria

Kajal Saha Son of Paresh Chandra Resident of Village - Nazirajan, P.O. -
Chotahaibor, P.S. - Nagaon, Dist. - Nagaon, State -Assam.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

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 Araria (Bairgachhi) P.S. Case No. 48 of 2020 registered for the offences punishable under Sections 30(a) and 38 of Bihar Prohibition and Excise Act.

3. As per prosecution case, 405.165 litre illicit liquor was recovered from Pick-up van in question. It is alleged that from the document which was kept behind the seat of the alleged vehicle, it was found that petitioner is the owner of the said vehicle. It is alleged that co-accused Abdur Rahman (driver) fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner gave the said vehicle on rent to another person and he



misused the same. Petitioner has no knowledge that the alleged vehicle is being used for carrying illicit liquor. Petitioner is a lady. She was not found at the place of occurrence. No incriminating article has been recovered from her conscious possession. 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 Exclusive Special Judge Excise Court No. 1, Araria in connection with Araria



(Bairgachhi) P.S. Case No. 48 of 2020, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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