

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67238 of 2025**

Arising Out of PS. Case No.-393 Year-2025 Thana- Excise P.S. District- Siwan

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Suman Devi W/o Raj Kishor Ram, R/o Village - Amarpur, P.S.- Darauli,  
District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad, Advocate  
For the State : Mr. Khurshid Anwar, APP

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**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 Siwan Excise P.S. Case No. 393 of 2025,  
dated 11.06.2025, registered for the offences punishable under  
Sections 30(a) and 32(3) of the Bihar Prohibition and Excise  
(Amendment) Act, 2022.

3. As per allegation, 2 litre of illicit bear has been  
recovered from the rider of the motorcycle and the bear was  
being held by pillion rider in a poly bag and the petitioner who  
is owner of the vehicle was not present at the place of recovery.

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



motorcycle in question, which belongs to the petitioner, cannot be held to be used in the commission of the alleged offence and therefore, there is no question of implication of the owner/petitioner in the alleged offence. In this context, she 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 motorcycle 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 Siwan Excise P.S. Case No. 393 of 2025, 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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