

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77377 of 2024**

Arising Out of PS. Case No.-110 Year-2024 Thana- PIPRA District- Supaul

Jira Devi W/o Gajendra Yadav Resident of Village- Morakhap, Ward No. 09,  
P.S.- Shankarpur, Distt.-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      28-02-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with Pipra P.S Case No. 110 of 2024, dated 02.04.2024,for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 972 litres of illicit Nepali liquor was recovered from Pick-up Van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case only on the basis of the owner of the said vehicle, whereas Pick-up Van is a commercial vehicle and the said vehicle was being driven by the driver at the time of alleged



occurrence. The petitioner is the lady and comes from good family. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. No incriminating article has been recovered from the conscious possession of the petitioner, hence no case is made out. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Supaul Court No. 1, in connection with Pipra P.S. Case No. 110 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

**(Chandra Prakash Singh, J)**

Siwani/-

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