

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69402 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- DELHA District- Gaya

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Girja Devi Son of Moti Thakur R/o Village - Bhadeji, P.S. - Belaganj, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Delha P.S. Case No. 13/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 30 liters *desi mahua liquor* from the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. The petitioner being a lady



having no criminal antecedent. He further submits that the prior to lodging of present case petitioner had already sold the said motorcycle to Ravindra Kumar through agreement dated 04.08.2022, as is evident from Annexure-2 of the bail petition and hence, the petitioner cannot be held responsible for the same. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not in any way connected with the alleged occurrence. Seizure list has not been prepared as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner cannot escape from the allegation made in the FIR.

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 Excise Court No. 4, Gaya in connection with Delha P.S. Case No. 13/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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