

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70631 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- DARAUNDA District- Siwan

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Kanchan Kumari W/O Kanta Ram Resident of Village- Kapiya Nizamat, P.S.-
Maharajganj, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Duraundha P.S. Case No. 469 of 2024 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there is alleged
recovery of 30.6 liters illicit foreign liquor from the two bags
kept on motorcycle bearing Reg. No. BR 29Y 0472 and co-
accused Jiut Kumar and Rajnish Kumar were apprehended on
the spot.

4. Learned counsel for the petitioner submits that
petitioner is not named in the first information report and his
name has surfaced during course of investigation as the owner



of the motorcycle in question. Petitioner was not found at the place of occurrence. It is submitted that motorcycle in question was taken by the brother of the petitioner who has misused the petitioner's vehicle. Petitioner being a lady had no knowledge regarding the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the first information report . No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. 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.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 30.6 liter illicit liquor from the motorcycle in question and petitioner being the owner of the said motorcycle cannot escape from the allegations made in the first information report.

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 arrest or surrender within a period



of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No. I, Siwan in connection with Duraundha P.S. Cae No. 469 of 2024, 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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