

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70809 of 2025

Arising Out of PS. Case No.-542 Year-2025 Thana- SHASTRINAGAR District- Patna

Bibha Kumari W/o Monu Kumar Resident at Raj Mati Niwas, East Boring
Canal Road, P.O- G.P.O., PS- Shastri Nagar, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Roushan Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Shastri Nagar P.S. Case No. 542 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 5.700 litre illicit liquor was recovered from the Scooty in question and co-accused Monu Kumar was apprehended on the spot.

4. Learned counsel for the petitioner orally submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been surfaced in this case as the owner of the said Scooty in question. Learned counsel orally submits that the said vehicle of the petitioner has



been misused by someone on the pretext of medical emergency and, hence, petitioner cannot be held liable for the alleged recovery. She was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. 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 being a lady having no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that name of the petitioner has been surfaced in this case as the owner of the said vehicle in question and hence, petitioner cannot escape from the allegation made in 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 Special Judge Excise -II, Patna in connection with Shastri Nagar P.S. Case No. 542 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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