

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69405 of 2025

Arising Out of PS. Case No.-288 Year-2022 Thana- Excise P.S. District- Madhepura

Priyanka Devi W/o Late Chandrakishor Hembram R/o Village- Jorgama,
Ward No. 02, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Opposite Party/s : Mr. Lalan Kumar

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 Madhepura Excise P.S. Case No. 288/2022 related to Excise Case No. 435/2022 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 20 liters illegal country made chullai liquor and 600 liters raw materials from the bank of canal in the bushes. Local people disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR. The name of local people has not been disclosed, which questions the authenticity of the FIR. Except disclosure of local people, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner being a lady having no criminal antecedent. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. He further submits that the place of recovery is open place which is accessible to all and the petitioner cannot be held liable for the alleged recovery. 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 Additional District and Sessions Judge-VIIIth-cum-Special Judge Excise-II, Madhepura in connection with Madhepura Excise P.S. Case No. 288/2022 related to Excise Case No. 435/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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