

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71438 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- SIRISIYA District- West Champaran

Punam Devi w/o Lalu Mahto R/o Vill- Grabhuwa, Lala Tola, P.S.- Sirisiya,
Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sirisiya P.S. Case No. 144 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 20.08.2025 by the informant, Haresh Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the hut of the petitioner was raided and there is recovery/seizure of 6 liters of country-made liquor. Further, from the field, 300 liters of semi-fluid was recovered which was destroyed. This led to the FIR.

4. Learned counsel for the petitioner submits that the hut is an open place, nothing has been recovered from his



conscious possession and only because of enmity, he has been named.

5. Further, learned counsel for the petitioner relied on the judgment of the 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** wherein it has been 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.

6. Learned APP opposes the prayer submitting that on secret information, the place was raided and recovery was made.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession, FIR lodged and he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal



antecedent, the present order shall become infructuous.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise-1st, Bettiah, West Champaran in connection with Sirisiya P.S. Case No. 144 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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