

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71621 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Khusboo Kumari W/O Manoj Ram R/O Vill.- Thepa, P.S.- Ziradei, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner apprehends her arrest in connection with G.B. Nagar P.S. Case No. 433 of 2024, registered for the offences punishable under Sections 30(a), 34, 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police in course of patrolling intercepted a motorcycle rider and on search total 20 litres of illicit liquor was recovered. The apprehended person disclosed the name of the petitioner as the owner of the motorcycle in question.

4. Learned Advocate for the petitioner submitted that on the fateful day, the apprehended person, Mukesh Kumar, who happens to be neighbour of the petitioner, had taken away the motorcycle in question on the pretext to meet some medical emergency and



the petitioner was not knowing the fact that her vehicle has ever been used for any illicit purpose; besides the aforesaid fact, there are various other infirmities in search and seizure, coupled with non-compliance of Sections 103 and 105 of BNSS. The petitioner is a woman and only on account of she being the owner of the motorcycle in question, her name has been implicated in this case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the submissions advanced by the learned Advocates for the respective parties and the fact that there is no material collected during the course of investigation suggesting the complicity of the petitioner in crime, except the petitioner being the owner of the vehicle, as also lack of material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge of Excise-I, Siwan in connection with



G.B. Nagar P.S. Case No. 433 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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