

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70883 of 2025

Arising Out of PS. Case No.-302 Year-2025 Thana- BAISI District- Purnia

Rahmati Khatoon W/o Md. Salam R/o Village - Ward No. 2 Doghariya, P.S -
Dagarua, District - Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary

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

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 Baisi P.S. Case No. 302 of 2025 registered for the offence punishable under Section 30(a), 41, 47 of Bihar Prohibition and Excise Act.

3. As per prosecution case, 77 litre illicit foreign liquor was recovered from Toto in question and driver of said Toto apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and she has falsely been implicated in this case. Petitioner is not named in the FIR and during course of investigation, her name has been surfaced in this case as owner



of Toto in question, as orally submitted by the learned counsel for the petitioner. Petitioner being lady having no criminal antecedent and she had given the said tempo to the driver, who misused the tempo in carrying the illicit liquor for which petitioner cannot be held responsible. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Petitioner is not in any way connected with the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of Toto in question from which 77 litre illicit foreign liquor was recovered and hence, petitioner cannot escape from the allegation of said recovery.

6. Considering the facts and circumstances of the case, petitioner being 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 Court No. 1, Purnea in connection with Baisi P.S. Case No. 302 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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