

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72757 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Samun Wife of Sattar Resident of village- Chirah ward no 1, Jokihat, P.S.-
Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Kochadhaman P.S. Case No. 108 of 2024 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 27.06.2024 by the informant, Raj Kumar.

3. As per the prosecution story, the Police during patrolling, intercepted a motorcycle and from it, there is recovery/seizure of 11.865 liters of foreign liquor from the dicky and from the bag, 16.500 liters of foreign liquor and one Mushfiq Alam was arrested. This led to the FIR.

4. Learned counsel for the petitioner submits that she being the owner got implicated, has no criminal antecedent and Mushfiq Alam is the son-in-law who had taken it for medical emergency of his mother.



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 she owns the car.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that the person with conscious possession, Mushfiq Alam already stands arrested, she is a lady and has no criminal antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. 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 Exclusive Special Judge (Excise-1),



Kishanganj in connection with Kochadhaman P.S. Case No. 108 of 2024 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 her bail bond by the Trial Court itself;

(iii) 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;

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

(Rajiv Roy, J)

Adnan/-

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