

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82307 of 2025

Arising Out of PS. Case No.-157 Year-2025 Thana- Excise P.S. District- Gaya

Usha Devi W/o- Siyaram Paswan Resident of Village- Tola Bijaini, Malhari,
P.S.- Imamganj, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-12-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gaya Excise P.S.Case No.157 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise (Amendment) Act.

3. As per the allegation made in the FIR, total 3.125 ltrs. of illicit liquor recovered from a Motorcycle bearing bearing Registration No.BR02BJ 8576.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and she has falsely been implicated in the present case. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present at the place of the occurrence and she



has been made accused in this case, being the owner of the Motorcycle, in question, which was taken by the co-accused (Aashish Kumar) in good faith to purchase medicines of his mother. Petitioner has clean antecedent. Petitioner is the registered owner of the motorcycle and such information has been given in paragraph no.6 of the bail application. Petitioner is a lady.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation is of recovery of 3.125 ltrs. of illicit liquor and the petitioner has clean antecedent.

7. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, Gaya in connection with Gaya Excise P.S.Case



No.157 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

9.The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The Superintendent of Police, Gaya is directed to send a report to the Chief Secretary, Government of Bihar, as to why, he has become inefficient in implementing prohibition within his jurisdiction and why not any action has been taken against the concerned SHO, from whose jurisdiction, huge quantity of illicit liquors were recovered.

(Purnendu Singh, J)

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