

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83834 of 2025**

Arising Out of PS. Case No.-155 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Asmita Devi wife of Ajay Kumar R/o Village - Bhagalpur Channa, P.S.-  
Chandauti, District -Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      17-12-2025                      Heard the parties.

2. The petitioner is apprehending her arrest in connection with Excise Sherghati P.S. Case No. 155 of 2025 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 23.05.2025 by the informant, Sneha Kumari.

3. As per the prosecution story, the informant alleged that an E-Rickshaw was intercepted and there is recovery/seizure of 175 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that she being the owner of the seized E-Rickshaw, has been implicated and has no criminal antecedent.

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.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that she owns the E-Rickshaw and is a lady having 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-3, Gaya in connection with Excise Sherghati P.S. Case No. 155 of 2025 subject to the following conditions:

(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 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 his bail bonds.

**(Rajiv Roy, J)**

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