

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82505 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- BAKHARI District- Begusarai

Karu Devi @ Karo Devi W/O Bhola Sahni @ Bhola Shani R/O Village-
Goriyari, Ward No. 27, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Ayushi, Advocate
	:	Ms. Shivam Prerna, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-12-2025 Heard Ms. Ayushi and Ms. Shivam Prerna, learned
counsels for the petitioner and Mr. Bharat Bhushan, learned APP
representing the State.

2. The petitioner is apprehending her arrest in
connection with Bakhri P.S. Case No. 139 of 2025 for the
offence under sections 30(a) of the Bihar Prohibition and Excise
Act, lodged on 21.04.2025 by the informant, Manish Kumar
Pandit.

3. As per the prosecution story, the Police on secret
information, reached the place, a lady managed to escape
leaving behind a bag from which there is recovery of 10.5 liters
foreign liquor. The locals gave the name of the petitioner which
led to the F.I.R.



4. Learned counsels for the petitioner submits that she is an old lady, falsely implicated by the villagers, having no criminal antecedent and nothing has been recovered from her conscious possession.

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 left the bag and escaped but the locals gave her name.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from her conscious possession and she do not have 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 Excise Judge-II, Begusarai, in connection with Bakhri P.S. Case No. 139 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) 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;



(v) 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.

9. Before parting this Court would like to put on record its word of appreciation for Ms. Ayushi and Ms. Shivam Prerna for the proper assistance rendered in the present case.

(Rajiv Roy, J)

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