

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83069 of 2025**

Arising Out of PS. Case No.-76 Year-2021 Thana- GAURICHAK District- Patna

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Beby Devi, W/o - Jogendra Manjhi, R/o Village- Chipura Kala Mushari, PS-  
Gaurichak, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar Deo, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      10-12-2025                      Heard Mr. Bipin Kumar Deo, learned counsel for  
  
the petitioner and Ms. Pushpa Sinha No. 1, learned APP for the  
  
State.

2. The petitioner apprehends her arrest in  
connection with Gaurichak P.S. Case No. 76 of 2021 dated  
28.02.2021 registered for the offence punishable under section  
30(a) of the Bihar Prohibition & Excise Act (in short, ‘Excise  
Act’).

3. The main submissions advanced by petitioner’s  
counsel are that admittedly the alleged country made *Mahua*  
liquor was recovered from an open and public place near the  
east side of *Chipura Kala Mushari Pani Tanki* and as per the  
prosecution, three ladies and two male persons allegedly started  
fleeing upon seeing the police party and managed to escape and



a crowd of gathered local persons revealed the names of the accused persons who managed to escape but in the entire FIR, the names of such persons have not been revealed and none of them was made a witness of the seizure, so, at present, there is no admissible evidence to support the basis upon which the petitioner, who is a woman, has been made an accused, though she remained involved in another case in the past relating to the Excise Act but she is on bail in the said case. It is further submitted that the petitioner has no connection to the alleged place of recovery and the same is open and accessible to everyone and due to village politics, the petitioner's role has been revealed by the co-villagers if the prosecution story is believed to be true and in the light of these circumstances, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against the petitioner, so, her prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. In the facts and circumstances of this case and considering the above stated submissions and mainly the basis upon which the petitioner has been made accused, as stated by



the petitioner’s counsel, this Court is inclined to accept her prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Gaurichak P.S. Case No. 76 of 2021, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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