

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82533 of 2025

Arising Out of PS. Case No.-1379 Year-2025 Thana- Excise P.S. District- Patna

Sangita Devi W/o Mahesh Kumar R/o - Ward no. 11, Karorichak, P.S.-
Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd Singh, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Patna Excise P.S. Case No. 1379 of 2025 for the offence under sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act lodged on 21.08.2025 by the informant, Shamshad Alam.

3. As per the prosecution story, the informant alleged that on secret information, a two wheeler was intercepted and there is recovery/seizure of 30 liters of mahua liquor from it. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing recovered from her conscious possession, from the parking, someone placed the liquor which led to her implication as he owns the vehicle.



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 the petitioner is a lady having no criminal antecedent and only because the *scooty* has been registered in her name, the FIR lodged and she shall be facing the trial, in that background, this Court is inclined to extend him 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 Special Judge, Excise-3rd, Patna in



connection with Patna Excise P.S. Case No. 1379 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 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/-

U		T	
---	--	---	--

