

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83922 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- MADHEPUR District- Madhubani

Geeta Devi W/o Lal Bahadur Mukhiya R/O vill.- Tengari, P.S- Madhepur,
Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the State : Mr. Bharat Bhushan, APP

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 Madhepur P.S. Case No. 193 of 2025 for the offence under sections 274 and 275 of the B.N.S. and 30(a) of the Bihar Prohibition and Excise Act, lodged on 24.10.2025 by the informant, Kanchan Kumar Singh.

3. As per the prosecution story, the informant alleged that upon secret information reached near courtyard of the petitioner and there is recovery/seizure of 16 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that she has no criminal antecedent and nothing has been recovered from her conscious possession and if granted relief, she shall be diligently appearing in trial.



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 it is her own courtyard.

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/seized from her conscious possession nor she has 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 Special Judge, Excise Act, Jhajharpur,



Madhubani in connection with Madhepur P.S. Case No. 193 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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