

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83913 of 2025

Arising Out of PS. Case No.-570 Year-2025 Thana- Excise P.S. District- Siwan

Rani Devi Wife of Rajiv Kumar Resident of Village - Bhagwatiya, P.S. -
Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Jitendra Kumar Singh, 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 Siwan Excise P.S. Case No. 570 of 2025 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, lodged on 12.09.2025 by the informant, Ajit Kumar Singh.

3. As per the prosecution story, the Police apprehended a Truck and there is recovery/seizure of 422.280 foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that that two persons were apprehended, Manu Kumar (driver) and Devilal Mahto (co-driver) and even they have not been named this petitioner who owns the Truck, she has been implicated only because of the ownership. Last submission is that without



accepting the allegation or outcome of the petition the petitioner intends to pay Rs.20,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Siwan for the installation of Music System in the Civil Court Campus, Siwan.

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 being the owner cannot exonerate herself from the responsibilities.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that she do not have criminal antecedent, those in the Truck already stand arrested as recorded above, in that background, this Court is inclined to extend her the privilege of anticipatory



bail with conditions subject to payment of Rs.20,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Siwan, for the installation of Music System in the Civil Court Campus, Siwan and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Siwan.

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 Court No.-II, Siwan in connection with Siwan Excise P.S. Case No. 570 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.

9. Let a copy of the order be communicated to the
learned Principal District & Sessions Judge, Siwan for perusal
and needful.

(Rajiv Roy, J)

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