

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86222 of 2025

Arising Out of PS. Case No.-430 Year-2025 Thana- BALIYA District- Begusarai

Puja Devi @ Pooja Devi W/o- Mohan Yadav Village- Pokhariya Ward No 17
PS- Ballia District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-12-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Baliya P.S. Case No. 430 of 2025 for the offence under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, lodged on 10.10.2025 by the informant, Vikash Kumar Rai.

3. As per the prosecution story, the informant alleged that on secret information, different places were raided where country made liquor was/were prepared and there is recovery/seizure of;

*(i) 40 liter country made liquor from
the agricultural land situated near Mahesh
Yadav alongwith 500 liter fermented java which
was destroyed;*



(ii) 35 liter country made liquor and a motorcycle which led to the arrest of Lalit Kumar Yadav;

He also gave the name of other accused persons, this led to the raid and recovery of 105 liter country made liquor. Seizure list prepared and further it was disclosed that the money in the said liquor business is being invested by Mohan Yadav, Puja Devi (petitioner herein), Shashi Yadav and Rajeev Yadav who escaped from the place. This led to the FIR.

4. Learned counsel for the petitioner submits that there is some anomaly in the scissor inasmuch as at some place, it has come as 140 liter and at other, 145 liter and that is why the entire story has been narrated. The petitioner is lady having no criminal antecedent and only to implicate a role of having invested money has been incorporated.

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 the person apprehended named her.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that petitioner is a lady having no 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 Baliya P.S. Case No. 430 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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