

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85249 of 2025

Arising Out of PS. Case No.-635 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Parvati Devi Wife of Ramji Mahto Resident of Village- Balua, Machchali
Bajar, P.S.- Town, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-12-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Town Police Station Case No. 635 of 2025,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act.
3. As per the prosecution case, on 07.07.2025 at
about 18:10 hours, on the basis of secret information, the police
party conducted a raid at the houses of Parvati Devi and
Sonarpati Devi. On seeing the police party, both the accused
fled away from the spot and were identified by local villagers.
During the search, 48.300 liters of Nepal-made liquor were
recovered from the house of the petitioner and 53.300 liters of



country-made liquor was recovered from the house of Sonarpati Devi.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case without any cogent evidence. No recovery was made from her conscious possession and she was not arrested from the spot. She has only been made accused on the basis of disclosure of her name by the villagers. The alleged place of recovery is a joint family property. The petitioner has no connection with the alleged liquor.

5. After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has criminal antecedents and from seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016, is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders and seeks



regular bail, the concerned District Court may decide the same on the same date without being prejudiced by the fact that the anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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