

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85885 of 2025

Arising Out of PS. Case No.-918 Year-2025 Thana- GAYA MUFASIL District- Gaya

1. Kiran Devi W/o Sahdev Chauhan @ Sahdev Beldar R/o Village - Kurmi Tola, P.S - Muffasil, District - Gaya
2. Vicky Kumar S/o Lakhan Prasad @ Mahesh Raut R/o Village - Kurmi Tola, P.S - Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sinha
For the Opposite Party/s	:	Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2025 1. Heard the parties.

2. The petitioners apprehends their arrest in connection with Muffasil P.S. Case No. 918 of 2025 dated 06.09.2025 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the first information report a total quantity of 723.375 liters of English liquor has been recovered from the house of the petitioner no. 1 – Kiran Devi. It is further alleged that the petitioner no. 1 was indulged in business of liquor from her house along with her son-in-law Vicky Kumar (petitioner no. 2).

4. Learned counsel for the petitioners submits that petitioners



are innocent and have falsely been implicated in this case due to village politics. There is no recovery of illicit liquor from the conscious possession of the petitioners. The petitioner no. 1- Kiran Devi has no criminal antecedent whereas the petitioner no. 2 – Vicky Kumar has one criminal antecedent of similar nature of offence.

5. Regard being had to the submissions advanced by the parties, taking into consideration the fact that prima facie case under the Excise Act is made out against the petitioner no. 1 / Kiran Devi and in view of Full Bench judgment of this court rendered in Cr. Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav versus The State of Bihar), I am not inclined to extend the privilege of anticipatory bail to the petitioner no. 1 – Kiran Devi. The same is rejected.

6. However, if the petitioner no. 1 surrenders and seeks regular bail, the concerned court may consider the prayer for bail on the same day without being prejudiced by the fact that the present anticipatory bail application qua the petitioner no. 1 has been rejected by this court.

7. Insofar as the petitioner no. 2 / Vicky Kumar is concerned, taking into consideration the fact that recovery of illicit liquor has been made from the house of Kiran Devi



(petitioner no. 1) not from the conscious possession and / or premises belong to the petitioner no. 2 and he has been implicated merely being the son-in-law of the petitioner no. 1, accordingly, I am inclined to grant anticipatory bail to the petitioner no. 2-Vicky Kumar.

8. Let the petitioner no. 2 be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge cum Exclusive Special Excise Court No. 1, Gaya Jee in connection with Muffasil P.S. Case No. 918 of 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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