

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3486 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- SIMRI District- Buxar

Parwati Devi @ Parvati Devi W/o- Late Bhuwali Pasi @ Bhuwal Pasi,
Resident of Village - Pasi Tola, Majhawari, P.S. - Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwanand Upadhyay, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Vishwanand Upadhyay, the learned
counsel for the petitioner and Mr. Parmanand Kumar, the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Simri PS Case No. 216 of 2024, FIR dated
19.06.2024, registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 5 litres of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case and the allegation levelled in the
FIR is false and fabricated and the petitioner has not committed
any offence as alleged in the FIR. He further submits that
according to the FIR and seizure list, nothing has been



recovered from the conscious possession of the petitioner, rather the recovery has been made from outside of the door and the said place in an open area and petitioner has no concern at all with the alleged recovery. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. / Section 103 of BNSS, 2023. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This Court is aware of the decision of the full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner, rather recovery has been made from outside the house of the petitioner, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Special Judge, Court No. 02, Buxar, where the case is pending in connection with **Simri PS Case No. 216 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:-

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the learned trial Court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

