

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88040 of 2025

Arising Out of PS. Case No.-441 Year-2025 Thana- Excise P.S. District- Nalanda

Shobha Devi W/o Late Shiv Kumar Singh Resident of Village- Daroga Bigha,
P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Excise P.S. Case No. 441 of 2025 for the offence under sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and there is recovery/seizure of 55.180 liter foreign liquor. One Virat Kumar was arrested. The allegation is that thereafter the family members including the petitioner, who is the mother tried to drive the Police from arresting Virat Kumar and later, despite efforts, managed to escape. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from Virat Kumar, only to



implicate as she has criminal antecedent, a role has been assigned.

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 they prevented in arresting the son, Virat Kumar.

7. Considering the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner is a lady, recovery/seizure is mainly from Virat Kumar , 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 Judge Excise-II, Nalanda at Bihar Sharif in connection with Excise P.S. Case No. 441 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threaten 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 her bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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