

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87986 of 2025

Arising Out of PS. Case No.-1216 Year-2025 Thana- Excise P.S. District- Gaya

Suma Kumari S/o Shri Bachchan Kumar R/o Kharhari, P.S.- Muffasil, Distt-
Gaya ji Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-12-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 1216 of 2025 instituted under Sections 30(a) and 32(3) of the Bihar Prohibitionn and Excise Amendment Act lodged on 15.10.2025 by the informant, Anjali Kumari.

3. As per the prosecution story, the police on secret information, intercepted a Scooty and there is recovery/seizure of 60 liters of Mahua. This led to the FIR.

4. Learned counsel for the petitioner submits that Sujeet Kumar was driving the vehicle which is being owned by her. He being relative to the vehicle and resulted into this case. The petitioner do not have criminal antecedent.

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 of 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, Mr. Jitendra Kumar Singh opposes the prayer submitting that being the owner, she is also responsible.

7. Considering the submissions of the parties as also and the judgment of **Ram Vinay Yadav (supra)** the fact that nothing has been recovered from her conscious possession, she is lady having no criminal antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of her arrest or surrender before the concerned court 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 the like amount each in connection with Excise P.S. Case No. 1216 of 2025 to the satisfaction of learned Excl. Spl. Judge, Excise-3, Gayaji subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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;

(v) 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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