

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6595 of 2026

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

Indu Sinha Son of Om Prakash Singh R/o Village - Bhuidhara, P.S. -
Samastipur, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Patepur P.S. Case No. 112 of 2023 for the offences punishable u/s 420 and 120(B) of the Indian Penal Code and Sections 30(a), 32 (ii) and 41 (i) of the Bihar Prohibition and Excise Act 2016.

3. As per the prosecution case, total 4725.72 litres of illicit Indian made foreign liquor was recovered from the vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to technical reasons as petitioner at the time of recovery was actual owner of the vehicle, though she sold



the vehicle in issue much prior to the occurrence to one Raj Kishore Ray @ Malahu for which transfer of registration certificate was in process/pending. Learned Counsel has relied on the judgment of 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**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has 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. While concluding the argument, it is submitted that similarly situated co-accused namely Manoj Kumar Mahto has already granted anticipatory bail by coordinate Bench of this Court through Cr. Misc. No. 66162 of 2023 dated 15.02.2023. Petitioner is a lady of clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.



6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, where *prima-facie* recovery of illicit liquor not appears to be made from the physical possession of petitioner, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, cum District and Additional Sessions Judge, Hajipur at Vaishali in connection with Patepur P.S. Case No. 112 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

