

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7735 of 2026

Arising Out of PS. Case No.-965 Year-2025 Thana- SHASTRINAGAR District- Patna

Sabita Kumari @ Sabita Devi W/o Chaman Rishi R/o Govt Q No.F/18, Board Colony, PS- Shastri Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)
Mr. Manoj Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-02-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and is a government servant and allegation is of recovery of 1.5 litres of liquor from the government quarter of the petitioner.
4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from her conscious possession and she came to be implicated at the instance of informant, who is her son-in-law and is an Inspector with the CID. It is next submitted that since



petitioner is not on cordial term with her son-in-law, as such the son-in-law taking advantage of his position in the police, got her implicated with an allegation that meagre amount of liquor was recovered from her government quarter. It is further submitted that petitioner, being a government servant, is well aware of the consequence which would entail in the event if she is implicated in a case relating to excise. It is also submitted that husband of the petitioner, namely, Chaman Rishi, had instituted an FIR with Shasti Nagar PS against the instant informant under Section 85 and 3(5) of BNS read with Sections 3 and 4 of DP Act on 14-12-2025. It is next submitted that informant being aggrieved by the fact that his father-in-law instituted a case against him got his mother-in-law implicated in the instant case to coerce his father-in-law into submission. Learned counsel further submits that the Excise law is draconian and a government servant, if implicated in a case relating to excise, the chances of his/her services being terminated is imminent, but then the same is subject to a departmental proceeding. It is also submitted that the informant got the petitioner implicated through his minor son, who is staying with the petitioner and his mother. It is submitted that it does not appear probable that a 12-year old boy would have disclosed the name of his own maternal grandmother alleging that she had kept the liquor in the house. It is next submitted that police



in a mechanical manner investigates and implicates without realising the trauma a person faces, when he/she is implicated in a case relating to Excise. Learned counsel for the petitioner further submits that bail i.e., anticipatory and regular relating to Excise law has burdened this Court with unwanted litigation. It is also submitted that if the anticipatory and regular bail application relating to Excise is decided in one go that would amount to lessening the burden of the High Court with respect to bail application by 40%.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that father-in-law of the informant instituted Shastri Nagar PS Case No. 940 of 2025 and that petitioner is mother-in-law of the informant.

6. Learned counsel appearing on behalf of the petitioner, at this stage, submits that one can well imagine the grievance the informant has with his in-laws, including the petitioner that he has rushed to this Court to oppose the anticipatory bail application of his mother-in-law.

7. After hearing the learned counsel for the parties,



the petitioner above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shastri Nagar P.S. Case No. 965 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed her antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

9. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna, for his perusal.

(Satyavrat Verma, J)

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