

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8869 of 2026

Arising Out of PS. Case No.-542 Year-2025 Thana- JAMUI District- Jamui

Rakhi Devi W/o Late Rajnikant Ram R/o Village - Padmawat, P.S. - Jamui,
Dist. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Jamui P.S. Case No. 542 of 2025 registered for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 750 ml foreign liquor was recovered from the waist of the apprehended co-accused Manish Kumar who was driving the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is a lady and she is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner is not named in FIR. During the course of investigation, the name of the



petitioner has been transpired in this case as the owner of the motorcycle in question. He further submits that on the alleged date of occurrence, the co-accused had borrowed the motorcycle from the petitioner and he had misused the said motorcycle. Petitioner had no knowledge that the said motorcycle was being used for carrying illicit liquor. Hence, petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. He further submits that no incriminating article has been recovered from the motorcycle in question rather the alleged recovery has been made from the waist of the apprehended co-accused. Hence, petitioner is not in any way attributable to the act of apprehended co-accused. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is the owner of the motorcycle in question and hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence,



petitioner being a lady having no criminal antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Jamui in connection with Jamui P.S. Case No. 542 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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