

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8692 of 2026

Arising Out of PS. Case No.-409 Year-2025 Thana- PAKARIBARAW District- Nawada

Sabita Devi @ Savita Devi W/o- Kartik Manjhi @ Jitu Manjhi T/v- Kachna,
Ps- Pakribarawan, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Pakribarawan P.S. Case No. 409 of 2025 for the offence under sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 16.10.2025 by the informant, Abhishek Kumar.

3. As per the prosecution story, the Police, on secret information, raided the house and there is recovery/seizure of 5 liters of country-made mahua and 120 liters of fermented mahua near the sand outside the house. This led to the FIR.

4. Learned counsel for the petitioner submits that it is a joint property, she being a house-wife has unnecessary been implicated and has no 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 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 number of houses were raided, petitioner's house included and there is recovery from her house.

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

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. 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 Excise Court No. 1, Nawada in connection with Pakribarawan P.S. Case No. 409 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 be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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;

(iv) 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)

Adnan/-

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