

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15416 of 2026

Arising Out of PS. Case No.-538 Year-2025 Thana- Excise P.S. District- Rohtas

Kiran Kumari wife of Arun Kumar Daughter of Videshi Pasi, Resident of Village - Gansadih, P.S.- Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the State : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2026 Heard Mr. Rajesh Kumar Singh, learned counsel
for the petitioner and Mrs. Asha Kumari, learned APP
representing the State.

2. The petitioner is apprehending her arrest in connection with Excise P.S. Case No. 538 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 14.12.2025 by the informant, Saddam Hussain.

3. As per the prosecution story, the informant alleged that on secret information, the Police intercepted a motorcycle and there is recovery/seizure of 15 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that she is a house wife and only because she owns the motorcycle, got implicated, 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 she own the motorcycle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the petitioner do not have criminal antecedent nor anything recovered from her conscious possession, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. 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 Judge, Excise Court



No.1, Rohtas at Sasaram in connection with Excise P.S. Case
No. 538 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)

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