

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18658 of 2026

Arising Out of PS. Case No.-426 Year-2024 Thana- LADANIA District- Madhubani

Renu Devi W/o- Late Varislal Paswan R/o - Pathrahi Sarsara, Ward No.11, P.S
- Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Sanjay Kumar Jha, learned counsel for
the petitioner and Mr. Ajay Kumar No. 2, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Ladaniya P.S. Case No. 426 of 2024, F.I.R dated 24.12.2024 registered for the offences punishable under Sections 274, 275 and 3(5) of the BNS, 2023 and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 110 liters of country made liquor from the houses of all the accused persons.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and she



has not committed any offence as alleged in the FIR. He further submits that as per the allegation, 10 liters of country made (Chulai) liquor has been recovered from the house of the petitioner. He further submits that nothing has been recovered from the house of the petitioner rather the police have planted the same and shown that the recovery has been made from the house of the petitioner and other accused persons. He further submits that the similarly situated co-accused persons namely, Chandrakala Devi and Lalit Paswan have been granted anticipatory bail by this Court vide order dated 03.07.2025 passed in Cr. Misc. No. 25913 of 2025. There is non-compliance with mandatory procedure prescribed for recovery under Section 103 of the BNSS. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar**



reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and circumstances of the case that the petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 426 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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