

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21586 of 2026

Arising Out of PS. Case No.-37 Year-2026 Thana- BAIRIYA District- West Champaran

Mosmat. Munna Devi @ Munna Kuar Wife of Late Gallu Mahto Resident of
Village- Nuniya Tola Ward No. 05, P.S.- Bairiya, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
	:	Mrs. Kumari Akanksha Rai, Advocate
	:	Mr. Anant Kumar Mishra, Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-04-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Bairiya P.S. Case No. 37 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 15.01.2026 by the informant, Navin Kumar.

3. As per the prosecution story, the informant alleged that on secret information about the lady keeping the country made liquor, raided the place and there is recovery/seizure of 25 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that it has not been recovered from her conscious possession and the local chowkidar due to enmity repeatedly named her which led to a poor widow lady coming in the police net/criminal case everytime.

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 has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that 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. 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 Special Judge Excise Court-I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 37 of 2026 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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