

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21647 of 2026

Arising Out of PS. Case No.-356 Year-2025 Thana- SUPPI District- Sitamarhi

Sabodara Devi Wife of Shambhu Mahto Resident of Village- Sindhorawa,
P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-04-2026 Heard Mr. Sumit Jha, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Suppi P.S Case No. 356/2025 registered for the offences U/s 317(5) of BNS Act and section 30(a) of Bihar Prohibition and Excise Act lodged on 30.12.2025 by the informant, Rajan Kumar Tiwary.

3. As per the prosecution story, the Police intercepted four motorcycles and recovered/seized as follows:

(i) from first motorcycle bearing registration no. BR-55-2748 there is recovery/seizure of 72 liters of nepali liquor;

(ii) from the second motorcycle



bearing registration no. BR-06AH-19-5 there is recovery/seizure of 72 liters of nepali liquor;

(iii) from the fourth motorcycle bearing registration no. BR-30AD-2387 there is recovery/seizure of 72 liters of nepali liquor;

(iv) from third motorcycle bearing registration no. BR-55E-3426 there is recovery/seizure of 45 liters of nepali liquor;

4. Learned counsel for the petitioner submits that the third motorcycle belongs to him of which there is recovery/seizure of 72 liters of nepali liquor. It was actually being driven by Raj Kishore Mahto, his brother-in-law who had taken it away and was arrested alongwith the motorcycle. Last submission is that the petitioner do not have 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, Mr. Bharat Bhushan opposes the prayer submitting that he owns 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 nothing has been recovered from his conscious possession rather from his brother-in-law, Raj Kishore Mahto, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Suppi P.S Case No. 356/2025 to the satisfaction of learned Exclusive Special Excise Court No.I, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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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