

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21605 of 2026**

Arising Out of PS. Case No.-90 Year-2025 Thana- Mathurapur District- Samastipur

Champa Devi W/o Ravi Kant Sharma Resident of Village - Ram Nagar,  
Mohalla - Obra, P.S - Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Suman Saurabh, Advocate |
|                      | : | Mr. Ayush Tiwari, Advocate  |
| For the State        | : | Mr. Bharat Bhushan, APP     |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      16-04-2026                      Heard Mr. Suman Saurabh and Mr. Ayush Tiwari,  
  
learned counsels for the petitioner and Mr. Bharat Bhushan,  
  
learned APP representing the State.

2. The petitioner is apprehending her arrest in connection with Mathurapur P.S. Case No. 90 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 13.11.2025 by the informant, Md. Rahmat Khan.

3. As per the prosecution story, the Police intercepted a Truck and there is recovery/seizure of 34.56 liter foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that she is a house wife, the Truck is registered in her name, it was



actually handed over to one Manoj Kumar Yadav under an agreement so that he could ply the vehicle on the road, the agreement is dated 01.07.2025.

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 the lady owns the Truck.

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, 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-II, Samastipur in connection with Mathurapur P.S. Case No. 90 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.



9. Before parting, this Court would like to put on record its word of appreciation for Mr. Suman Saurabh and Mr. Ayush Tiwari, learned counsels for the petitioner for the proper assistance rendered in the matter.

**(Rajiv Roy, J)**

vinayak/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

