

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25858 of 2026

Arising Out of PS. Case No.-97 Year-2026 Thana- PARSA District- Saran

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Rima Devi W/o Vinay Kumar Sah @ Lal Sah Resident of Village- Kisunpur,
P.S.- Bheldi, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2026 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and learned APP representing the State.

2. The petitioner is apprehending her arrest in connection with Parsa P.S. Case No. 97 of 2026 for the offence under sections 30(a), 41(1) and 32 of the Bihar Prohibition and Excise Act lodged on 25.02.2026 by the informant, Omprakash.

3. As per the prosecution story, the Police on secret information about transportation of large quantity of spirit liquor, raided the line hotel near Rewa Ghat Bridge, those present tried to escape, one Vinay Kumar @ Lal Sah was apprehended and on his disclosure a traveler four wheeler was intercepted. This led to recovery/seizure of 960 liter spirit liquor. It was informed by the driver that it belongs to Ahishek Nishad. On further interrogation those apprehended informed that this



petitioner is part of the team which are indulged in the business of spirit liquor and his wife is also involved in the case. This led to the FIR.

4. Learned counsel for the petitioner submits that only allegation against her is that her husband, Lal Sah @ Vinay Kumar was apprehended and he gave the name of his accomplice which included his own wife (petitioner herein). He further submits that she being a house wife has no role play, the Police in its custody forced him to confess the name of the wife and she do not have any 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 his own husband has named her.

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, is a lady, FIR lodged and she will be facing the trial, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. 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 Exclusive Excise Court No. 03 Saran at Chapra/Court concerned in connection with Parsa P.S. Case No. 97 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 her 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 her bail bonds.

(Rajiv Roy, J)

Adnan/-

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