

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27553 of 2026

Arising Out of PS. Case No.-53 Year-2023 Thana- BAHADURPUR District- Patna

Chhoti Kumari D/o- Chandeshwar Manjhi Resident of Bahadurpur
Mushahari, P.s- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kumar Singh, Advocate
	:	Mr. Kumar Kaushlendra, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2026 Heard Mr. Binay Kumar Singh, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Bahadurpur P.S. Case No. 53 of 2023, F.I.R
dated 10.02.2023 registered for the offences punishable under
Section 341, 323, 353, 504, 427, 337, 338 of the Indian Penal
Code and 30(a), 32(2)(3), 36, 41(1)(11) of Bihar Prohibition and
Excise Act.

3. Recovery is of 20 liters of country made liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and she 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. He further submits that it appears from the F.I.R that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the place of occurrence and petitioner has been made accused in this case merely on the basis of confessional statement of apprehended co-accused person, namely, Kundan Kumar. He next submits that the petitioner has no concern at all with the alleged recovery of liquor or the co-accused person and similarly situated co-accused persons, namely, Reeta Devi and Kabir Kumar @ Kabir Manjhi @ Raj Kiran have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 10.04.2024 in Cr. Misc. No. 20416 of 2024. 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, nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent and she has been made accused in this case merely on the basis of confessional statement of apprehended co-accused person and similarly situated co-accused persons have been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court, 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 learned Exclusive Special Court of Excise, Patna City in connection with Bahadurpur P.S. Case No. 53 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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