

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30119 of 2026

Arising Out of PS. Case No.-139 Year-2026 Thana- SITAMARHI District- Sitamarhi

Rekha Devi W/O Late Ramchandra Paswan Resident of Village- Amghatta,
Ward No. 35, P.S. and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner through virtual
mode and the State.

2. The petitioner is apprehending her arrest in connection with Sitamarhi P.S. Case No. 139/2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 01.03.2026 by the informant, Ravikant Kumar.

3. As per the prosecution story, the informant alleged that on secret information about selling of liquor by Pappu Paswan and this petitioner, the place was raided and there is recovery/seizure of 18.750 liters of liquor from one sack and 6.660 liters of liquor from the another beside further 9 liters totalling 34.350 liters of liquor recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that she being the housewife, got implicated, no role has been played by her and nothing has been recovered from her conscious



possession.

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 her role has also come along with Pappu Paswan.

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 and the petitioner is a lady, 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 Exclusive Excise Court No. II, Sitamarhi in connection with Sitamarhi P.S. Case No. 139/2026 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)

Adnan/-

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