

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31436 of 2026

Arising Out of PS. Case No.-151 Year-2021 Thana- KALUAHI District- Madhubani

Jaibun khatun @ Jaibul Khatun Wife of Manir Rain R/O Vill.- Deodha, Uttari,
Ward No.03, P.S - Deodha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard Mr. Bimal Kumar, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Kaluahahi P.S. Case No. 151 of 2021, F.I.R dated
03.10.2021 registered for the offences punishable under Section
272, 273 and 34 of the IPC and Section 30(a) of Bihar
Prohibition and Excise Act.

3. Recovery is of 675 liters of Nepali Sofi wine.

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 it appears
from the F.I.R as well as seizure list that altogether 675 liters of
Nepali Sofi Wine has been recovered from the vehicle in



question and one Raushan Kumar was apprehended from the place of occurrence and he has disclosed that the owner of the vehicle is Rakesh Yadav. He further submits that in fact, the petitioner is the registered owner of the vehicle in question and she has no concern at all with the alleged recovery of the illicit liquor and she has been made accused merely on the ground she is owner of the vehicle. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. 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, she has been made accused merely on the ground that she is owner of the vehicle in question and the petitioner has clean antecedent, 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 Judge, Excise, Madhubani in connection with Kaluahi P.S. Case No. 151 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. 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.

2. 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.



3. 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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