

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32214 of 2026

Arising Out of PS. Case No.-94 Year-2026 Thana- KHAIRA District- Saran

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1. Phoolmati Devi @ Fulkumari Devi Wife of Chhotelal Mahto @ Chhotan Mahto Resident of village- Bhikhampur, Po- Tujarpur, P.S- Khaira, Dist- Saran at Chapra
 2. Suganti Devi @ Suganti Kunwar @ Patarki Wife of Late Raja Ram Mahto @ Nam Resident of village- Bhikhampur, Po- Tujarpur, P.S- Khaira, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioners are apprehending arrest in connection with Khaira P.S. Case No. 94 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 14.03.2026 by the informant, Akhilesh Paswan.

3. As per the prosecution story, the place was raided and there is recovery/seizure of 10 liters of country made liquor. One Mahendra Sah was taken into custody who gave the name of this petitioner. This led to the FIR.

4. Learned counsel for the petitioners submit that nothing has been recovered from their and Mahendra Sah being inimical to them, got implicated.



5. Further, learned counsel for the petitioners 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 so far the petitioner no.2 is concerned, she has criminal antecedent.

7. Considering the submissions of the parties and the judgment of **Ram Vinay Yadav (supra)**, as also that both the petitioners are ladies, nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khairia P.S. Case No. 94 of 2026 to the satisfaction of learned 3rd Excl. Spl. Excise Judge, Saran at Chapra subject to the conditions as laid



down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/S.Prasad,

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