

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34979 of 2026

Arising Out of PS. Case No.-101 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Jira Devi W/o Late Surendra Choudhary @ Surendra Chaudhary @ Bauna
Chaudhary R/o Village - Dindayal Nagar, P.S - Magadh Medical, District –
Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2026

1. Heard the parties through virtual mode.

2. The petitioner is apprehending arrest in connection
with Excise P.S. Case No. 101 of 2020 instituted under Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged
that inside the house, there was recovery/seizure of 45 kg of
jawa mahua. This led to the FIR.

4. Learned counsel for the petitioner submits that she
being the house lady had no knowledge about the
recovery/seizure nor about the present case and only after she
got notice came to know that the petitioner has been made an
accused. She has no 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, Mr. Jitendra Kumar Singh opposes the prayer submitting that she delayed coming to the Court.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that though there is delay, the contention of the petitioner is that she, being the house lady, had no knowledge about it. Further, she has no criminal antecedent. In that background this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of her 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) with two sureties of the like amount each in connection with Excise P.S. Case No. 101 of 2020 to the satisfaction of learned Exclusive Special Excise Court No. 3, Gaya 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 petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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)

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