

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34069 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- GORADIH District- Bhagalpur

PINKY DEVI W/O Mritunjay Mandal R/O village- Mahiyama, P.S.-
Sanhoula, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending her arrest in GORADIH
P.S. Case No. 46 of 2026 registered under Sections 30(a), 41(1),
41(2) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution story which has been lodged on
the basis of written report submitted by the informant, to the
effect that on the alleged date of occurrence i.e 23.2.2026 at
about 22:00 hours, while he was on patrolling duty along with
other police personnel, he received secret information that two
motorcycles are coming from the side of Jharkhand in which,
the persons riding on one motorcycle are working as a liner and
on another motorcycle, liquor is loaded. The informant reached
near the place of occurrence and saw two motorcycles coming



in high speed from opposite direction; One red colour glamour motorcycle and one blue colour glamour motorcycle was found coming, on which two bags were tied. The person who was driving the red colour motorcycle disclosed his name as Bikash Mandal and the person who was driving the blue color motorcycle upon which, two bags were loaded, disclosed his name as Mithun Kumar. From blue colour motorcycle bearing registration No. BR10N-0952, total 90.600 litres of foreign liquor was recovered and on the disclosure made by Bikash Mandal, it transpired that the motorcycle is in the name of his mother i.e. the petitioner herein.

3. Learned counsel for the petitioner submits that 90.600 liter of foreign liquor was recovered from the motorcycle which was being driven by the co-accused Mithun Kumar, bearing registration No. BR10N-0952 and as per the allegation, the petitioner was working as a liner and was riding the another motorcycle which belongs to the petitioner. Since the petitioner is owner of the motorcycle, therefore she has been made an accused in the present case. She has got no concern with the seized liquor which was being carried away on the motorcycle. The allegation of the police to the effect that the son of the petitioner was working as a liner is not correct and he further



submits that that petitioner has got a clean antecedent.

4. The Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

5. Having considered the rival submissions and after going through the records, it appears that the petitioner was not present at the place of occurrence and her name has come in the present first information report only on the basis of the fact that one of the motorcycles, which was being driven by her son, who is alleged to be working as a liner. Since she was not present at the place of occurrence, there is no question or any seizure from her and she is a lady having clean antecedent.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Bhagalpur in connection with GORADIH P.S. Case No. 46 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(I) The learned Court concerned shall verify the



criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the Court concerned shall take steps 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.

(Ritesh Kumar, J)

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