

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34993 of 2026

Arising Out of PS. Case No.-1362 Year-2023 Thana- Excise P.S. District- Kishanganj

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Anita Devi @ Anito Davi W/o Raju Mahto Resident of village- Chhedibagan
Dey Market P.S- Kishanganj District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Murli Dhar, 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 Kishanganj Mdya Nisedh P.S. Case No. 1362 of 2023 instituted under Section 30(a), 32(3) and 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, the police intercepted a scooty and there is recovery/seizure of 8.700 liters of country-made liquor, and one Arjun Sharma was arrested who gave the name of the petitioner, which led to the FIR.

4. Learned counsel for the petitioner submits that she being the owner got implicated she had actually given the scooty to Arjun Sharma but now stands as an accused in the present FIR.

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. Murli Dhar opposes the prayer submitting that she has one criminal antecedent.

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, 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 Kishanganj Mdy Nisedh P.S. Case No. 1362 of 2023 to the satisfaction of learned Exclusive Special Judge Excise-II, Kishanganj 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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