

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35416 of 2026**

Arising Out of PS. Case No.-138 Year-2026 Thana- Kawaiya District- Lakhisarai

Renu Devi Wife of Dinesh Chaudhary Resident of Village- Gosai Tola Ward  
No. 21, P.S. Kawaiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : None

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-05-2026                      No one appears on behalf of the petitioner though  
learned State counsel is present through virtual mode.

2. The petitioner is apprehending her arrest in  
connection with Kawaiya P.S. Case No. 138 of 2026 for the  
offence under sections 30(a) of the Bihar Prohibition and Excise  
Act.

3. As per the prosecution story, the Police on secret  
information, raided the home of the petitioner and there is  
recovery/seizure of 5 liters of country-made liquor kept in an  
utensil. This led to the FIR.

4. As per the petition, she is housewife and has no role  
to play in it and she do not have any criminal antecedent.

5. This Court further 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 the house belongs to the petitioner.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that she is a lady having no criminal antecedent, in that background, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of the concerned Court in connection with Kawaiya P.S. Case No. 138 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document 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)**

Adnan/-

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