

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34163 of 2026**

Arising Out of PS. Case No.-227 Year-2021 Thana- KOILWAR District- Bhojpur

Priya Kumari S/o Gopal Sah @ Gopat Sah R/o Village/Mohalla - Badhai Tola  
Pir Maker, P.S - Maker, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                        |
|--------------------------|---|------------------------|
| For the Petitioner/s     | : | Mr. Pallav Kumar Singh |
|                          | : | Ms. Priya Kumari       |
|                          | : | Mr. Deepak Kumar Singh |
|                          | : | Mr. Diwakar            |
| For the Opposite Party/s | : | Mrs. Sharda Kumari     |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-07-2026                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Koilwar (Gidha) P.S. Case No. 227 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 120 liters of country made liquor from two motorcycles in question.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it appears from the F.I.R and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the



vehicle in question and altogether 120 liters of country made liquor was recovered from two motorcycles in question. It is next submitted that there is non-compliance of mandatory provisions of Section 103 of the BNSS, 2023 and co-accused, namely, Chhotan Kumar has been granted the privilege of anticipatory bail vide order dated 22.03.2025 passed in Cr. Misc. No. 75374 of 2024 by this Court.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts that petitioner has clean antecedent and nothing has been recovered from conscious possession of the petitioner and similarly situated co-



accused person has been granted privilege of anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No-II, Bhojpur at Ara/concerned Court in connection with Koilwar (Gidha) P.S. Case No. 227 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step 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.

**(Rajesh Kumar Verma, J)**

Gaurav Sinha/-

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