

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37754 of 2026

Arising Out of PS. Case No.-288 Year-2025 Thana- KOPA District- Saran

Pinki Devi W/O Lal Bahadur Manjhi R/O Village- Pokhar Bhinda, P.S.-
Kopa, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-07-2026

Heard the parties.

2. The petitioner apprehends her arrest in connection with Kopa P.S. Case No. 288 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 24.11.2025 by the informant, Kumari Shila.

3. As per the prosecution story, the police upon secret information, raided the place and recovered/seized 30 liter country made liquor, the lady who was present there escaped and the locals gave the name of this petitioner. This led to the F.I.R.

4. Learned counsel for the petitioner submits that neither she has criminal antecedent nor anything recovered from her conscious possession and only due to enmity, she has been named.

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 opposes the prayer submitting that she was the person who escaped when the recovery was made from an open place outside her house.

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. 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 learned Court of Special Judge (Excise) -3rd, Saran at Chapra in connection with Kopa P.S. Case No. 288 of 2025 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners 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 petitioners 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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