

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47716 of 2026

Arising Out of PS. Case No.-79 Year-2026 Thana- RAJEPUR District- East Champaran

Soniya Devi @ Sumiya Devi W/o Suraj Paswan @ Surya Paswan R/o Village
- Salempur, P.S - Rajepur, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Gupta, Advocate
For the State : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2026 Heard Mr. Sumit Kumar Gupta, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioner is apprehending her arrest in connection with Rajepur P.S. Case No. 79 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 10.04.2026 by the informant, Amar Kumar Paswan.

3. As per the prosecution story, the Police on secret information, reached the place and on raiding the shop of Dinanath Chaudhary and Suraj Chaudhary, there is recovery/seizure of 4 liter country made liquor. They escaped on the sight of the place, subsequently, they also moved towards the house of the petitioner. A lady alongwith a bag tried to escape but on the sight of the Police, the locals gave name of



this petitioner and from the said bag there is recovery/seizure of 15 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the said recovery is from the back of the house and not from the house of the petitioner. She is a lady and the locals due to enmity named her repeatedly and this resulted into one criminal antecedent as recorded in paragraph no.3 of the petition.

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 for anticipatory bail.

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 and she is a lady, in that background, this Court is inclined to extend him 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 Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Rajepur P.S. Case No. 79 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 his 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 his bail bonds.

(Rajiv Roy, J)

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