

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43911 of 2026**

Arising Out of PS. Case No.-309 Year-2026 Thana- GARKHA District- Saran

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Munni Devi Wife of Rajesh Chaudhary Resident of Mithepur, P.S- Garakha,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2026 Heard Mr.Mrityunjay Kumar Tiwary, learned counsel
for the petitioner and Mr. Nitya Nand Tiwary, learned APP for
the State.

2. The petitioner is apprehending arrest in connection
with Garkha P.S. Case No. 309 of 2026 instituted under Section
30(a) of the Bihar Prohibition and Excise Amendment Act
lodged on 13.03.2026 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged
that on secret information, the place was raided, a lady threw the
bag and managed to escape. The locals gave the name of this
petitioner. Further, Nitish Kumar and Usha Devi were arrested
and there is recovery/seizure of 15 liters of country made liquor.
Further, from the bag which was thrown by the lady, 06 liters of



country made liquor was recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that only because she is a lady and a poor person gets implication and nothing has been recovered from her conscious possession.

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 has 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 the petitioner is a lady, nothing has been recovered from her conscious possession, in that background, this Court is inclined to extend her 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 Garkha P.S. Case No. 309 of 2026 to the satisfaction of learned Special Judge, Excise-I, Saran at Chapra 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)

Ravi/-Ankita

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