

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47602 of 2026

Arising Out of PS. Case No.-132 Year-2026 Thana- PAHARPUR District- East Champaran

Asha Devi W/o Pintu Ram @ Pintu Kumar Ram R/o Village - Siswakanhai
Tola, P.S. - Paharpur, Distt. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Paharpur P.S. Case No. 132 of 2026 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 05.03.2026 by the informant, Ajay Kumar.

3. As per the prosecution story, the Police on secret information, raided the house of the petitioner and from behind of the said house, there is recovery/seizure of 10 liter country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that it is a joint house, nothing has been recovered/seized from her conscious possession and further, she no criminal antecedent.

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.

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 Exclusive Special Excise Judge-1, East Champaran, Motihari in connection with Paharpur P.S. Case No. 132 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 his bail bonds.

(Rajiv Roy, J)

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