IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78873 of 2026

CNR No. BRHC011031362026

Arising Out of PS. Case No.-47 Year-2024 Thana- BANGARA District- Samastipur

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Asha Vimal Chandra Jha @ Asha Prasad @ Asha Vimal Jha @ Asha Wife of Late Vimal Chandra Jha Resident of 402/E-4 Gaurav Manthan, Mira Bhayandar Road, Near GCC Club, Gaurav Sankalp Phase-4, Mira Bhayandar, P.S.- Thane, District- Thane, State- Maharastra. Permanent resident of Village- Belhavar, P.O.- Rajanagar, P.S.- Madhubani, District- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Sudha Ambastha, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Bangra P.S. Case No. 47 of 2024 for the offence under section 30(a) of the Biihar Prohibition and Excise Act and sections 279, 337, 338, 307, 353, 427, 467, 468, 471 and 414/34 of the Indian Penal Code lodged on 08.04.2024 by the informant, Prity Kumari.

3. As per the prosecution story, the Police intercepted a Tata Safari and there is recovery/seizure of 279 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that

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though the vehicle belongs to the lady, of late it was sold to Sitaram Sahni who is one of the main accused in the present case. After the death of her husband, she is living in Maharashtra, the affidavit of the year 2022 is a part of the record as annexure.

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 the vehicle was registered in her name and was not transferred.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that documents/affidavit is on record which shows that the vehicle was transferred to Sitaram Sahni, the petitioner is an aged person having no criminal antecedent , in that background, this Court is inclined to extend her the privilege of anticipatory

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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 Special Judge Excise-1, Samstipur in connection with Bangra P.S. Case No. 47 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) 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;

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

(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

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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)

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