IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73029 of 2026

CNR No. BRHC011043402026

Arising Out of PS. Case No.-405 Year-2026 Thana- BIBHUTIPUR District- Samastipur

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Dhanma Devi @ Dhamna Devi Wife of Manjay Sahni Resident Of Village-Belsandi Dih P.S-Vibhutipur Dist -Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Vibhutipur P.S. Case No. 405 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.08.2026 by the informant, Dinanath Choudhary.

3. As per the prosecution story, the informant alleged that during patrolling and on secret information, the house of the petitioner was raided and there is recovery/seizure of 07 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that it is an open place/joint house and she being the house lady, got implicated. The petitioner has no criminal antecedent.

5. Further, learned counsel for the petitioner relied on

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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 of 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, Mr. Bharat Bhushan opposes the prayer submitting that the recovery is from the house.

7. Considering the submissions of the parties aforesaid and the judgment of **Ram Vinay Yadav (supra),** as also nothing has been recovered from her conscious possession, she has no criminal antecedent, 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 Vibhutipur P.S. Case No. 405 of 2026 to the satisfaction of learned Special Judge Excise-II, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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(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 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 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;

(iv) 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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