IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75880 of 2026

CNR No. BRHC011050502026

Arising Out of PS. Case No.-310 Year-2026 Thana- MANJHAGARH District- Gopalganj

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Girja Devi W/o- Rameshwar Singh R/v- Dhankhar Ps- Manjhagarh Dist- Gopalganj

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate
: Mr. Yeshoneel Ratnam, Advocate
For the State : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-11-2026 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Manjhagarh P.S. Case No. 310 of 2026 registered for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 12.07.2026 by the informant, Munna Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the place behind the shop of the petitioner was raided and there is recovery/seizure of 10 liter country made liquor and the lady managed to escape. This led to the FIR.

4. Learned counsel for the petitioner submits that she is an old lady of 72 years and has been implicated only because of criminal antecedent, recovery/seizure is admittedly from the

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outside of the shop.

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 nothing has been recovered from her conscious possession, 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-I, Gopalganj in connection with Manjhagarh P.S. Case No. 310 of

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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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