IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75071 of 2026

CNR No. BRHC011052342026

Arising Out of PS. Case No.-188 Year-2026 Thana- PARIHAR District- Sitamarhi

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Sushama Devi W/O Jagranath Mukhiya R/O Village- Madhubani, Ward No. 12, P.O- Belahiya, P.S.- Bajpatti, Distt.- Sitamarhi, Pin Code- 843314 (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Uday Kumar, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-10-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 317(5) of BNS and Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and allegation is of recovery of 405 litres of liquor from an auto.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot as such nothing was recovered from her conscious possession and she came to be implicated based on the fact that she is owner of the seized vehicle. It is next submitted that no prudent person would use

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her own vehicle for committing an occurrence and thus would create evidence against herself and hence would get implicated. It is also submitted that the petitioner was completely unaware that Santosh would misuse the vehicle in the manner as alleged, who was also apprehended from the spot. It is further submitted that it is not the case of the prosecution that they saw any woman fleeing from the place of occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Parihar P.S. Case No.188 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, it would be presumed that petitioner had

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concealed her antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner is a person with clean antecedent, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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