IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74674 of 2026

CNR No. BRHC011068042026

Arising Out of PS. Case No.-51 Year-2021 Thana- Kaler District- Arwal

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Diya Kumari @ Dipa Kumari W/O Dashrath Kumar Resident of Village- Ward No.- 17, Ring Bandh, Near Hajarinath Mandir, Chakmahila, P.S- Nagar, District- Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest in connection with Kaler P.S. Case No.51 of 2021 registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. Acting on a tip-off regarding the transportation of illicit liquor in a truck bearing registration No. BR 30G-4741, the police intercepted the vehicle and apprehended its driver. During the course of the search, 5,200 litres of spirit was allegedly recovered from the truck.

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4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case only by virtue of she being owner of the truck in question. In fact, save and except the petitioner being registered owner of the truck in question, there is no material suggesting her complicity in the crime. Moreover, the truck in question was being operated by her husband for the transportation of goods, with the assistance of the driver. The petitioner has never been acquainted with the fact that the truck in question has ever been used for any illicit purpose. Since the petitioner was not named in the FIR, the delay in approaching this Court for grant of anticipatory bail stands duly explained. Moreover, the petitioner is a woman having fair antecedent and undertakes that she will fully cooperate in the proceedings of the court. While concluding the submission, learned Advocate also submitted that there are various other discrepancies in the search and seizure, besides the witnesses are none else but the police personnel. In view of the aforesaid submissions, it is contended that the statutory bar contemplated under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, is not attracted in the facts and circumstances of the present case.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the use of the vehicle of the petitioner in the crime clearly suggests

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her complicity.

6. Having considered the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that the petitioner has been made accused in this case only on account of she being owner of the vehicle in question, without any other cogent incriminating circumstances/materials suggesting her connection in the transportation of illicit spirit, as also the fact the petitioner is a woman having fair antecedent, and there is lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Jehanabad in connection with Kaler P.S. Case No.51 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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