IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77305 of 2026

CNR No. BRHC011126632026

Arising Out of PS. Case No.-78 Year-2026 Thana- Badem P.S. District- Aurangabad

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Binita Kumari @ Vinita Kumari W/o Niraj Kumar Resident of Villlage - Chainpur Bhatauliya, PS - Mali, Dist. - Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. M K Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Badem P.S. Case No. 78 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Suspecting that two persons riding on a motorcycle were carrying illicit liquor, the police intercepted them and, upon search, recovered 100 liters of country-made *mahua* liquor. The apprehended persons disclosed their names as Dilip Kumar and Niranjan Kumar.

4. Learned Advocate for the petitioner submitted that the petitioner has been implicated in the present case solely on

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the ground that she is the registered owner of the motorcycle in question, without there being any incriminating material suggesting her complicity in the alleged offence. It is further contended that, on the fateful day, the motorcycle in question was taken by the petitioner's *nandoi* (sister-in law's husband) on the pretext of bringing some household articles. However, the petitioner was completely unaware that her motorcycle would be used for any illicit purpose. The petitioner is a woman, having fair antecedent, and undertakes that she will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that, save and except the petitioner's ownership of the motorcycle in question, there is no other material indicating her involvement in the alleged offence; coupled with the discrepancies pointed out in the search and seizure proceedings, as well as the absence of any material attracting the rigors to maintain the anticipatory bail under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of her arrest or surrender before

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the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No. 1, Aurangabad in connection with Badem P.S. Case No. 78 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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