IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78335 of 2026

CNR No. BRHC011130792026

Arising Out of PS. Case No.-109 Year-2026 Thana- Patour District- Darbhanga

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Gudiya Devi @ Guriya Devi W/o Pawan Kumar Mahto R/O Village - Akbarpur, P.S - Pator, District - Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Nawal Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Pator P.S. Case No.109 of 2026 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 22.08.2026 by the informant, Manoj Kumar.

3. As per the prosecution story, the police on secret information, intercepted a motorcycle and recovered 10 liters of country made liquor. The accused person riding the motorcycle was arrested. This led to the FIR.

4. Learned counsel for the petitioner submits that her husband was riding the motorcycle which is owned by the lady, she do not have 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 opposes the prayer submitting that the lady owns the motorcycle.

7. Considering the submissions of the parties and the judgment of **Ram Vinay Yadav (supra),** as also the person carrying liquor already stands arrested/released on bail, the lady only owns the motorcycle, has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his 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 Pator P.S. Case No.109 of 2026 to the satisfaction of learned Exclusive Special Judge-1, (Excise) Darbhanga subject to the conditions as laid down

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under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(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 her bail bonds.

(Rajiv Roy, J)

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