

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.176 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

1. Pinki Kumari @ Pinki Devi D/o Sanjay Chaudhary W/o Vinod Chaudhary, R/o Village - Chitabkala, P.S - Sherghati, District - Gaya
2. Anju Kumari D/o Sanjay Chaudhary R/o Village - Chitabkala, P.S - Sherghati, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 32(3) and 45 of Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are women and allegation is of recovery of 14 litres of liquor along with 240 litres of Jawa Mahua from house of Sanjay Choudhary. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated based on the fact that they are



daughters of Sanjay Choudhary and Soni Kumari who were apprehended from the house. It is further submitted that house in question is a joint family property, as such, it cannot be alleged with certainty that it were petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge. It is further submitted that their father and mother were made to confess their names in police custody which does not have any evidentiary value, when petitioners admittedly are persons with clean antecedent.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-3, Gaya in connection with Excise Sherghati P.S. Case No.322 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.



7. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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