

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20343 of 2025

Arising Out of PS. Case No.-400 Year-2024 Thana- DESARI District- Vaishali

1. Priyanka Kumari W/o Ravi Kumar R/o Village- Ramchandrapur Dashahara, Post- Dashahara, P.S.- Patori, District- Samastipur-848501. At present residing Vill. and P.O.-Gauspur Izra, P.S.-Desari, Distt.-Vaishali.
2. Ravi Kumar S/o Binod Ray R/o Village- Ramchandrapur Dashahara, Post- Dashahara, P.S.- Patori, District- Samastipur-848501. At present residing Vill. and P.O.-Gauspur Izra, P.S.-Desari, Distt.-Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhay Kumar
For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-05-2025 At the very outset, learned counsel for the petitioners submits that prayer for anticipatory bail of petitioner no. 2 has already been dismissed as withdrawn vide order dated 29.04.2025.

2. Heard learned counsel for the petitioner no. 1, namely, Priyanka Kumari and learned A.P.P. for the State.

3. The petitioner is apprehending her arrest in connection with Desari P.S. Case No. 400 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

4. As per prosecution case, 110 litre illicit country made liquor was recovered from tempo in question and driver of



said tempo managed to escape. Hence, FIR has been registered against owner and driver of the tempo in question.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and she has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel orally submits that petitioner is not named in the FIR and during course of investigation name of petitioner has been surfaced in this case as owner of the tempo in question. Learned counsel orally submits that tempo in question is a commercial vehicle and petitioner has given the said vehicle to the driver for plying on road but later on, petitioner came to know that driver of the said tempo has misused the tempo for carrying the illicit liquor and hence, petitioner being a lady cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, petitioner is lady and bears no criminal antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, namely, Priyanka Kumari, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1 cum District and Additional Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 400 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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