IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58891 of 2026

Arising Out of PS. Case No.-10 Year-2022 Thana- SUPPI District- Sitamarhi

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Kumkum Srivastava @ Kumkum W/o Ramesh Prasad Srivastava R/o Old Exchange Road, Satydeo Puri, Ward No. 10, P.S. - Sitamarhi, Dist. - Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
Ms. (Dr.) Chitrangada Mustafa, Advocate
Ms. Anita Kumari, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-08-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and allegation is of recovery of 810 litres of liquor from a Sumo Victa.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession. It is further submitted that petitioner came to be implicated based on the fact that she is

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owner of the seized vehicle but then it is submitted that petitioner had sold the vehicle to one Indra Gupta on 17.11.2017 as would manifest from the documents annexed by way of Annexure-P2 series, i.e., Sale Letter, Form 29 under the M.V. Act. It is next submitted that since the petitioner is a lady, hence, after selling the vehicle based on a Sale Letter, Form 29 was filled and the purchaser had assured that the vehicle would be transferred in the name of the purchaser but then it appears that the purchaser, instead of getting the vehicle transferred, sold the same to another purchaser who, after some time, again sold the vehicle to another purchaser. It is also submitted that no doubt, the ownership of the vehicle is still in the name of the petitioner but then Form 29 brought on record which amply demonstrates that all formalities for the legal sale of the vehicle was made. It is further submitted that it is not the case of the prosecution that they saw a woman fleeing from the place of occurrence. It is reiterated and submitted that petitioner is a senior citizen, aged about 62 years, and is a person with clean antecedent and was completely unaware that a case has been instituted against her.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned

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counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of her arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Suppi (Sitamarhi) P.S. Case No. 10 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case, it would be presumed that petitioner had concealed her antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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