

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13238 of 2015

Arising Out of PS.Case No. -75 Year- 2009 Thana -CHAPRA TOWN District- SARAN

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Deopati Devi W/o Udit Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Sharda Nand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 47 (a) of the Excise Act.

On secret information, the police seized huge quantity of foreign liquor kept in different cartoon from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the premises, in question, was let out to one Vijay Prasad, the rent agreement between the petitioner and Vijay Prasad has been brought on record as Annexure-2. The petitioner was not aware about the seizure of the alleged foreign liquor. No independent witness has supported that the petitioner resides in the premises in question. The premises, in question, is joint

family house. The F.I.R. was registered on 26.03.2009 but it reached to the court of learned Chief Judicial Magistrate on 29.03.2009 which suggests that the F.I.R. has been registered by antedating. The petitioner is 75 years old ailing lady.

This Court is not inclined to entertain the present anticipatory bail application since the F.I.R. was registered in the year 2009 but delayed reaching of F.I.R. to the learned Court below clouds the bona fide of the accusation.

Hence it is a fit case for consideration of prayer of regular bail of the petitioner, if she surrenders within a period of six weeks in connection with Chapra (T) P.S. Case No.75 of 2009, pending before the Chief Judicial Magistrate, Saran at Chapra.

It is expected from the learned court below to dispose of the application preferably on the same day since the petitioner is a very old ailing lady.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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