

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2737 of 2017

Arising Out of PS.Case No. -207 Year- 2016 Thana -RAJNAGAR District- MADHUBANI

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Masomat Nirmla Devi wife of Late Rajendra Paswan resident of village -
Bisahara Tola, P.S. - Raj Nagar, District - Madhubani..... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends her arrest in connection with Raj
Nagar P.S. Case No. 207 of 2016 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code and
Section 47(A) and 54 of Bihar Excise (Amendment) Act, 2016.

Allegedly, from the kitchen room of the house of the
petitioner 50 liters swollen Mahua was recovered.

Submission is of false implication and that the seizure list
witnesses are not of the village rather they are of village Jinghaila,
copy of seizure list was not given to any of the house inmates and
as such the petitioner deserves sympathetic consideration as in this
case other co-accused have been allowed pre-arrest bail by the
court below itself.

Learned APP submits that considering the recovery prayer



of pre-arrest bail of the petitioner has been refused and further copy of seizure list has been annexed at the house by Mahal Chaukidar as nobody was present to receive the copy.

In the facts and circumstances stated above, considering the alleged recovery, I am not inclined to grant privilege of pre-arrest bail to the petitioner, accordingly, her such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then her prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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