

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19390 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -RAIYAM District- DARBHANGA

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1. Sanju Devi Wife of Tiro Paswan, Resident of village - Mohanpur, P.S.
Raiyam, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 11-07-2017 Heard both sides.

The petitioner apprehends her arrest in Raiyam P.S.
Case No. 4/2017, registered for the offences punishable under
Sections 30(a), 37(a) (d) of the Bihar Prohibition Excise
Amendment Act, 2016.

The informant, police officer, alleged that when he
was on patrolling duty, he got information that a motorcycle is
parked in front of the house of Sanju Devi, w/o Tiro Paswan in
Village Mohanpur. When the informant came near the house of
the petitioner, a person coming out from her house trying to flee
away with the motorcycle bearing registration no. BR 07W 2463,
but he was apprehended and disclosed his name Shyam Sah. 3 and
½ litres of country made liquor was recovered from possession of



Shyam Sah.

Learned counsel for the petitioner submits that the petitioner had no knowledge about the materials kept in the dicky of the motorcycle. The motorcycle belongs to Shyam Sah and Shyam Sah was apprehended with the motorcycle from where 3 and ½ litres liquor was recovered.

Learned Additional P.P. submits that Section 76(2) of the Act says that there shall be no application under Section 438 of the Cr. P.C.

From the records it appears that nothing has been recovered from possession of the petitioner and the petitioner is lady, Shyam Sah had parked motorcycle in front of the house of the petitioner and he was fleeing away with the motorcycle but he was caught.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge, Darbhanga in connection with Raiyam P.S. Case No. 4/2017, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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