

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.60190 of 2017**

Arising Out of PS.Case No. -328 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

=====

1. Kalo Devi wife of Anil Yadav resident of village Kharhari P.S. Muffasil,  
District Gaya.

.... .... Petitioner

Versus

1. The State of Bihar.

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Smt Pushpa Sinha

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-12-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending her arrest in a case  
instituted under Sections 30(a) of Bihar Prohibition and Excise  
Act, 2016.

The prosecution story, in brief, is that 50 litres of wine  
is said to have been recovered from Anil Yadav, who is husband  
of this petitioner.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. There is no allegation  
of tampering of witnesses alleged against the petitioner. The name  
of the petitioner has come on the basis of disclosure made by the  
local residents as per the F.I.R. The name of the local residents  
who have named the petitioner has not been disclosed by the



prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 50 litres of wine is recovered from Anil Yadav, who is husband of this petitioner. The petitioner has been made accused being the wife of co-accused. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. The petitioner is a lady. There is no compliance of section 100 Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Muffasil P.S. Case No. 328/2017(G.R. No.6558/2017) on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

