

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56451 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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Nibha Kumari, Wife of Suraj Kumar, R/o-83188 Refinery Township
Nagdih, P.S.- Cheria-Bariarpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Lakhisarai
(Kawaiya) P.S. Case No. 107 of 2017 instituted for the offence
under Sections 272,273,290 of the IPC and under Sections 30(a),
38(a), 32(c) of Bihar Prohibition and Excise Act, 2016.

It has been submitted by the learned counsel for the
petitioner that she is wife of the person who was arrested along
with foreign liquor on a Maruti Celerio.

The allegation against the petitioner, as per written
report is that the police during vehicle checking apprehended one
Maruti Celerio which was driven by husband of the petitioner and
recovered total 31 bottle of foreign liquor each containing 75 m.l.

The petitioner has been made accused in the present
case because the apprehended vehicle is registered in her name. As
per the written report, nothing has been recovered from conscious



possession of the petitioner and it is mentioned at para 3 to this petition that she has clean antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Lakhisarai (Kawaiya) P.S. Case No. 107 of 2017 to the satisfaction of learned A.D.J., 2nd, Lakhisarai cum Special Judge, Lakhisarai subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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