

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37605 of 2017

Arising Out of PS. Case No.-142 Year-2017 Thana- NABINAGAR District- Aurangabad

Nirmala Devi , W/o Jairam Choudhary, R/o Village- Shivpur, P.S.- Nabinagar,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 22-11-2017 Heard Sri Ashok Kumar Singh, learned counsel for the
petitioner and Sri Yogendra Kumar, learned Additional Public
Prosecutor.

The sole petitioner, who is a lady, apprehending her arrest
in Nabinagar P.S. Case No. 142 of 2017, registered for the
offence under Section 30(a) / 38 of the Bihar Prohibition and
Excise Act, 2016, has prayed for grant of bail in the event of
her arrest or surrender.

At the very outset, learned counsel for the petitioner has
drawn my attention to the statement made in paragraph no. 3 of
the petition to show petitioner is having clean antecedent . He
further submits that it is a peculiar case that only on
confidential information petitioner has been made accused in the
F.I.R. along with her husband, however her husband was



shown to be arrested with about eight liters of country made liquor . It has been argued that petitioner only on the ground that she was wife of the accused who was arrested has been made accused. Besides confidential information , there is no other material to connect the petitioner.

Considering the nature of accusation, the fact that petitioner is lady and clean antecedent of the petitioner , which has been stated in paragraph no. 3 of the petition, in the event of her arrest or surrender within a period of six weeks from today, let the petitioner Nirmala Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – VII -cum- Special Judge, Aurangabad / concerned court in connection with Nabinagar P.S. Case No. 142 of 2017 subject to the conditions as contemplated under section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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