

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58849 of 2017

Arising Out of PS.Case No. -302 Year- 2016 Thana -FATEHPUR District- GAYA

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1. Saroj Devi, w/o Dular Manjhi, resident of Village- Shila, P.S.- Fatehpur,
District- Gaya.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2017 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), (d) and (g) of Bihar Prohibition
and Excise Act, 2016 and 3/5/18 of Mahua Ful Act.

The prosecution story, in brief, is that 26 litres Mahua
liquor and 25 Kg Mahua flower are said to have been recovered.

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 confession of co-
accused before the police as per F.I.R. Except for this, there is no
other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 26 litres Mahua liquor and 25 Kg Mahua flower are recovered from the joint house of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of section 100 of the 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 Fatehpur P.S. Case No.302/2016, 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)

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