

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49445 of 2018**

Arising Out of PS. Case No.-251 Year-2017 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

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Sunaina Devi wife of Late Raju Choudhary resident of village - Bemta Tola  
Nawadih, Police Station - Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No-2  
For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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

2      10-08-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending her arrest in a case  
registered under Sections 30(a)(d) and 38(1)(2) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 kg fermented  
mahua is 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 transpired as the  
alleged recovery is made from the joint house of the petitioner  
where the other family members also reside. Except for this,



there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 40 kg fermented mahua is 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 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Magadh Medical P.S. Case No. 251 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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