

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49534 of 2018

Arising Out of PS.Case No. -238 Year- 2017 Thana -MADANPURA District- AURANGABAD

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Asmita Kumari @ Asmarita Kumari, Daughter of Bira Sharma, Resident of Village- Simari Dhamani, Police Station- Mali, District- Aurangabad, at Present Wife of Raja Ram Sharma, Resident of Village- Deojara Manka, Police Station- Madanpur, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamendra Pd. Singh, Advocate.

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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

The petitioner is apprehending her arrest in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 90 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 90 liters wine is recovered from two motorcycles in question. Out of which, 30 liters wine is said to



have been recovered from the motorcycle of the petitioner bearing Registration No. No. BR-26F-7962. The said motorcycle was given by the petitioner to a co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned Additional Sessions Judge-VII-cum-Special Judge, (Excise), Aurangabad, in connection with Madanpur P.S. Case No. 238 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)