

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.15658 of 2018**

Arising Out of PS.Case No. -319 Year- 2017 Thana -BETTIAH CITY District-  
WESTCHAMPARAN(BETTIAH)

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Most. Malti Devi, W/o Late Dev Narayan Ram, resident of Mohalla-  
Ambedakar Colony, Ward No. 31, P.S.- Bettiah Town, District- West  
Champaran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Smt. Nirmala Kumari, A.P.P.

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

2      19-03-2018      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 Sections 272 273 of the IPC, 30, 33,  
34, 36 and 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 9 ½ liters  
wine, 10 Kg. *Gurd*, 13 bottles of Sprite from which smell of liquor  
was coming and other things are 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 9 ½ liters wine, 10 Kg. *Gurd*, 13 bottles of Sprite from which smell of liquor was coming and other things are recovered. Only 13 bottles of Sprite from which smell of liquor was coming was recovered from joint house of the petitioner. No liquor is alleged to have been recovered from house of the petitioner. The name of the petitioner has come on the basis of recovery of 13 bottles of Sprite from which smell of liquor was coming made from joint house of the petitioner. 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 Special Judge, Excise, Bettiah, West Champaran, in connection with Bettiah Town P.S.



Case No. 319 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)

