

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7162 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Bhurmundi Devi @ Sunita Devi W/o Late Raju Manjhi, R/o Village- Naill
Bhuintili, P.S.- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar
For the Opposite Party/s : Mr. BHARAT BHUSHAN

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that 51 liters wine 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 said to have been 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 51 liters mahua wine is recovered from different houses. So far as the petitioner is concerned, 6 liters mahua wine is said to have been 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.

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 Excise Judge, Gaya in connection with Magadh Medical P.S. Case No. 256 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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