

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10430 of 2018

Arising Out of PS.Case No. -185 Year- 2017 Thana -HATHUA District- GOPALGANJ

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Gita Devi W/o Subhash Sah, R/o Vill.- Pipar Pati, P.S.- Hathua, Distt.-
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018

Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hathua P.S. Case No.185 of 2017 registered for the offence punishable under Sections 30(a), 38, 41(i), (ii) of Bihar Excise and Prohibition (Amendment) Act, 2016.

The allegation is regarding recovery of about 5.5. litres of illicit liquor from the co-accused persons, namely, Bhola and Subhash Sah.

The learned counsel for the petitioner submits that merely because of the petitioner happens to be the wife of Subhash Sah, she has been falsely implicated in the present case. It is further submitted that the petitioner is having clean



antecedent.

It is further submitted that no recovery has been effected from the person of the petitioner herein and there is no compliance of the provisions of Section 100 Cr.P.C.

Considering the nature of accusation and the fact that, prima facie, no case is made out for the offences punishable under the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the even of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Gopalganj in connection with Hathua P.S. Case No.185 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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