

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22113 of 2019

Arising Out of PS. Case No.-213 Year-2018 Thana- RAFIGANJ District- Aurangabad

SHABANA BEGAM W/o Sadik Hussain R/o village- Kazichak, P.S.-
Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-08-2019 The petitioner apprehends her arrest in connection with CIS
No. 1157 of 2018/Rafiganj P. S. Case No. 213 of 2018 registered
under Sections 30(a) of the Bihar Prohibition and Excise Act
(hereinafter referred to as the 'Act').

Allegation against the petitioner is that the police, upon
search, altogether 400 Kg of Mahua, kept in a plastic bag,
recovered from the house of the petitioner. It has further been
alleged that one Banshi Chaudhary was apprehended at the spot
and he admitted that he along with one Mister used to make
Mahua country made liquor from Mahua flowers and as per
further statement, Md. Sarjit @ Mister was also apprehended by
the police and he disclosed that he used to keep Mahua flowers in
the house of Sabana Begum, where according to Banshidhar
Chaudhary, Mister was also a caretaker.

Learned counsel for the petitioner submits that from perusal
of FIR, it appears that house from where Mahua flower was



recovered was under the custody of Mister, who was looking after the house of Sabana Begum i.e., petitioner. Learned counsel further submits that occupant of the house is one Md. Sarjit @ Mister and as such no offence under the Act is made out against the petitioner, as the house was not found being occupied by the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that from the FIR itself, it is evident that house was under the custody and occupancy of Mister @ Md. Sarjit, who was caretaker, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- 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 CIS No. 1157 of 2018/Rafiganj P. S. Case No. 213 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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