

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27467 of 2019

Arising Out of PS. Case No.-708 Year-2018 Thana- HILSA District- Nalanda

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Sabita Devi Wife of Mishri Paswan, Resident of Village-Pachrukhiya, Police
Station-Hilsa, District-Nalanda. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Amarendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-08-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection
with Hilsa P.S. Case No. 708 of 2018, registered under Sections
30(a) and 37(c) of the Bihar Excise Prohibition Act, 2016.

The allegation against the petitioner is that on
29.12.2018, the police upon information proceeded towards the
house of one Mishri Paswan, upon seeing the police party, the
petitioner and others started fleeing away and the police has
recovered a total quantity of 81.500 liters of illicit liquor, near
the eastern *Darwaja* of the house and from near southern
boundary-wall as well as from the ditch near the house of the
petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and petitioner
is lady of about 75 years old. He further submits that petitioner
has got no criminal antecedent and the illicit liquor has been



recovered from outside of the house and not from inside the house inasmuch as all the illicit liquor has been recovered from the gate, boundary-wall and ditch near the house of the petitioner, accordingly, no *prima facie* case is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that all the illicit liquor has been recovered from outside of the house of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, 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 3rd Additional District and Sessions Judge, Biharsharif, Nalanda in connection with Hilsa P.S. Case No. 708 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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