

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28834 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- PARWALPUR District- Nalanda

Rita Kumari Sao @ Rita Kumari Shaw, Aged about 31 years, Female, D/o Sri Om Nath Sao, Resident of 31/1, Jele Para, 1st Bye Lane, 30 Police Station-Howrah, Distt.- Howrah, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Shekhar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2019 Heard both sides.

Petitioner apprehend her arrest in Parwalpur P.S. Case No.25 of 2019, registered under Sections 379 and 414 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant intercepted a truck and recovered 310 litres of different brands of Indian made foreign liquor besides the consignment of Berger Paints. The driver, Vinay Mahto disclosed that the owner of the truck and the transporter illegally loaded the liquor in the consignment of Berger Paints.

Learned counsel for the petitioner submits that petitioner is lady and she is the owner of the truck. Petitioner had no knowledge about loading of the liquor in the truck. The petitioner cannot be held responsible on the ground of constructive



possession of liquor in the truck. There is no material save and except the statement of the driver of the truck that the liquor was loaded with consent of the owner of the truck. It was the transporter who had hired the truck of the petitioner and loaded consignment which was Berger Paints which was to be delivered in the district of Nalanda, Bihar Sharif.

Taking into consideration the facts that the petitioner being a lady is the owner of the truck and there is no material to show that the liquor was loaded on the truck with consent or in connivance with the owner of the truck, let petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-III-cum-Special Judge, Excise, Bihar Sharif, Nalanda in connection with Parwalpur P.S. Case No.25 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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