

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35873 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Manorma Devi, W/o Chandra Shekhar @ Chandra Shekhar Choudhary,
Resident of House No. 22, Pipra Kothi, Ward No. 34, Near Ambay Garden
Karnibagh, P.S.- Kunda District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with
Excise Case No. 83C-2/2018 registered under Section 30(a),
32, 41, 56(a) and 56(b) of the Bihar Prohibition and Excise Act,
2016.

Allegation against the petitioner, as per the FIR, is that
petitioner is the owner of the Bolero vehicle bearing No. JH-
15C-0585 from which altogether 240 litres country made liquor
was recovered.

Learned counsel for the petitioner submits that
petitioner's name occurred on the basis of documents recovered
from the vehicle showing she is owner of the same. Learned
counsel further submits that vehicle in question was sold by the



petitioner way back in 2016 in favour of one Bhim Kumar Sharma which would be evident from Annexure-2, appended with this application. He has drawn my attention towards paragraph—8 of the bail application in which there is specific statement regarding the fact that before the confiscating authority, the purchaser has accepted the ownership of vehicle and has filed a petition on affidavit in which purchaser Bhim Kumar Sharma has accepted that from 02.07.2016 onward, vehicle is with him pursuant to purchase from the petitioner.

Accordingly, learned counsel for the petitioner submits that no *prima facie* case is made out against him as such he deserves benefit of anticipatory bail in view of judgment rendered by the Full Bench in Cr. Appeal (SJ) No. 431 of 2019.

After having heard learned counsel for the parties and after going through the materials on record, I am satisfied that no *prima facie* offence under Excise Act is made out against the petitioner inasmuch as the offending vehicle was sold much earlier by the petitioner and purchaser has accepted the ownership, as such petitioner is entitled for grant of benefit of anticipatory bail. 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 Addl. District and Sessions Judge, 2nd -cum-Special Judge, Lakhisarai in connection with Excise Case No. 83C-2/2018; 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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