

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43130 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- DIDARGANJ District- Patna

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Anita Devi W/O- Akhilesh Sahani R/O Village- Bastal, P.O.- Sabalpur, P.S.-
Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has moved the Court seeking pre-arrest bail in connection with Excise Special Case No. 8518 of 2018 arising out of Didarganj PS Case No. 162 of 2018 dated 19.09.2018 instituted under Sections 30(a)/ 38 (1) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner and other four co-accused is of indulging in trade of illicit liquor.

4. Learned counsel for the petitioner submitted that though a TVS Apache motorcycle bearing registration No. BR01DR6025 was seized by the police during raid along with three other motorcycles on which cartons of illicit liquor have



been seized, but except the fact that the registration was in the name of the petitioner, no other incriminating evidence against her has come. It was submitted that the petitioner, being a lady, cannot be expected to be driving the motorcycle and obviously it was being used by others and, thus, she is innocent. It was further submitted that the motorcycle being misused by others would not fasten the liability on the petitioner as it was not with the permission or in the knowledge of the petitioner of being put to illegal use in the trade of illicit liquor.

5. Learned APP submitted that that once the motorcycle belonging to the petitioner was recovered with cartons of illicit liquor, and there being no denial of the ownership, the petitioner has to accept the liability and responsibility. It was further submitted that at 11:00 O Clock if the motorcycle of any person is not returned to the home and is recovered near the river and there being no action taken by the owner for locating the vehicle, the obvious inference would be that the owner was aware of the whereabouts of the vehicle and in the present case the vehicle being seized with cartons of illicit liquor, the petitioner is equally involved in the trade of such illicit liquor.

6. Having considered the facts and circumstances



of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits without being prejudiced by the present order, preferably on the same day.

(Ahsanuddin Amanullah, J)

Anjani/-

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