

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42964 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- MALI District- Aurangabad

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Durgawati Devi @ Durgawati, aged about 36 years, Female, Wife of Pramod Singh Resident of Village-Radhey Bigha @ Radha Bigha, P.S.-Obra, District Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “the Prohibition Act, 2016”) registered in connection with Mali P.S. Case No. 11 of 2019.

3. It is submitted that the petitioner, who is not named in the FIR, has been falsely implicated and even on perusal of the allegations in the FIR, no offence under the provisions of the Prohibition Act, 2016 whatsoever is made out against the petitioner. It is submitted that the only material that has come in course of investigation against the petitioner is that she is said to be the registered owner of the magic vehicle bearing registration no. BR0ZAA/9201 from which the alleged recovery of the incriminating goods has been made from three persons in the vehicle who were apprehended. It is submitted that as a matter of fact, the vehicle in question had been hired out for a period of one year i.e. from 17.02.2019 to 18.02.2020 well before the date of occurrence on



04.03.2019, to one Ranjay Yadav (Annexure-3). It is further submitted that the petitioner had no concern whatsoever with the said vehicle on the date of occurrence. As such there remains no basis of the very foundation of the accusation against the petitioner.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Mali P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall be well represented in court on each and every date during trial except as and when directed by the learned court below to be physically present, and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) That the petitioner will produce the original agreement (Annexure-3) before the learned court below within a period of four weeks from today.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below, preferably within a further period of four weeks after furnishing bail bond,



about the genuineness of the agreement (Annexure-3), failing which
her bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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