

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41770 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- PIPRA District- Supaul

RINKI DEVI @ RINKI Wife of Vinod Mandal Resident of Ward No. 9,
Tulapatti, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-07-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends her arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition & Excise Act,
2016 (for short 'the Prohibition Act') registered in connection
with ST Excise No. 173 of 2019, arising out of Pipra P.S. Case No.
65 of 2019.

3. It is submitted that the petitioner has been falsely
implicated, as even on a perusal of the FIR, no offence whatsoever
is made out against the petitioner under the provisions of the
Prohibition Act, 2016. The alleged recovery of the offending
goods is from a garden behind the shop of the petitioner without
however connecting the place of recovery or the said goods to the
petitioner in any manner whatsoever. The petitioner is a lady



claiming clean antecedents.

4. Ordinarily, an anticipatory bail petition in relation to the offence under the Prohibition Act is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients of the offence alleged against a person are not made out, as observed by a Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar vs. The State of Bihar) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the FIR alleging any offence said to have been committed by the petitioner in order to attract the provisions of the Prohibition Act, 2016.

6. Be that as it may, having regard to the entirety of the facts and circumstances, 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge Excise, Supaul in connection with ST Excise No. 173 of 2019, arising out of Pipra P.S. Case No. 65 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.

iv. The petitioner shall be well represented in Court on each and every date during trial 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.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

