

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.73826 of 2018**

Arising Out of PS. Case No.-404 Year-2018 Thana- SAKRA District- Muzaffarpur

Moti Jha, Wife of Ajay Jha @ Babua Don, Resident of Village-  
Dharmagatpur, P.S.-Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Ms. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      15-01-2019                      The petitioner seeks bail in anticipation of her arrest in connection with Sakra P.S. Case No. 404 of 2018, dated 08.09.2018, instituted for the offences under Sections 272, 273, 353 and 307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Though from the F.I.R., it appears that huge quantity of liquor was recovered from nine vehicles, but the prosecution of the petitioner is merely on the basis of an assessment of the police officer conducting the raid that the wife (petitioner) of Ajay Jha @ Babua Don and his brother-in-law are managing the affairs in the absence of aforesaid



Ajay Jha @ Babua Don, who is in jail for about a year by now.

The learned counsel for the petitioner has drawn the attention of this Court to the fact that about four persons were arrested at the time of search and seizure, but none of them have taken the name of the petitioner. Thus, the prosecution of the petitioner in the present case is only on the basis of the assessment of the police officer that the petitioner as the wife of aforesaid Ajay Jha @ Babua Don has been managing the liquor business in an unauthorized manner in the absence of aforesaid Ajay Jha @ Babua. This assessment is without any basis.

The learned counsel for the petitioner has further submitted that in the two earlier cases of similar nature in which the petitioner was made accused, there also her implication was because of her being wife of Ajay Jha @ Babua Don. In the aforesaid two cases, nothing was recovered from the possession of the petitioner and, therefore, she has been granted bail in those cases.

Considering the aforesaid facts as also taking into



account that the name of the petitioner has transpired during the course of investigation and that nothing has been recovered from either her personal or constructive possession, the petitioner, above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Sakra P.S. Case No. 404 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Ashutosh Kumar, J)**

Praveen-II/-

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