

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8556 of 2020**

Arising Out of PS. Case No.-506 Year-2019 Thana- BODHGAYA District- Gaya

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SALONI KUMARI @ SALONI KUMAR W/o Jitendra Prasad Resident of
Village - Bodh Gaya Bazar, Bodh -gaya, P.S.- Bodh Gaya, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Bodh
Gaya Police Station (for brevity, *PS*) Case No 506 of 2019 dated
18.11.2019 instituted for the offence punishable under
Section(s) 30 (d) of Bihar Prohibition and Excise Act, 2016.

600 Kgs of Mahua flowers are alleged to have been
recovered from a tempo. One Indrajit Singh has been
apprehended at the time of recovery. Since the tempo was
registered in the petitioner's name, she has been made an
accused. It is submitted by petitioner's counsel that while the
petitioner was unmarried and still a minor, tempo was registered
in her name. She, after her marriage in the year 2017, had no



concern with the vehicle in question and that it was sold to the said Indrajit Singh by her parents. Petitioner has no criminal antecedent, and no offence whatsoever would be made out against the petitioner under the Bihar Prohibition and Excise Act.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76 (2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

This Court is conscious to the decision of the Full Bench in the case of *Ram Vinay Yadav -Versus- State of Bihar* reported in 2019 (2) PLJR 1089. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, she shall be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Special Judge, Excise Act, Gaya in connection with Bodh Gaya PS Case No 506 of 2019 dated 18.11.2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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