

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18242 of 2020**

Arising Out of PS. Case No.-312 Year-2019 Thana- BAHADURGANJ District- Kishanganj

SALMA @ GOURI DEVI Wife of Mahesh Lal Basak @ Mahesh Kumar Basak Resident of Village-Satal Nehal Bhag, Ward no.14, P.S.-Bahadurganj, District-Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-09-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner apprehends her arrest in Bahadurganj P.S. Case No. 312 of 2019/Special Case NO. 388 of 2019, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

40 litres of liquor is said to have been recovered from the house of co-accused Sheela Devi.

It is submitted that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. Name



of this petitioner has come in this case on the basis of confessional statement of co-accused. Nothing has been recovered from conscious possession of this petitioner. The provision of section 100 Cr.P.C has not been followed. The petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named in the event of her arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd-cum-Special Judge (Excise), Kishanganj in connection with Bahadurganj P.S. Case No. 312 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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