

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16863 of 2020

Arising Out of PS. Case No.-626 Year-2019 Thana- FORBESGANJ District- Araria

SHANTI DEVI W/o Late Binda Yadav @ Arvind Yadav R/o village-
Darbhanga tola, Ward No. 13, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

3 20-10-2020

Heard learned counsel for the parties.

The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 272, 273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 18 liters foreign liquor from a bag which was allegedly left by the accused persons including the petitioner after seeing the police party.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that petitioner was neither apprehended on the spot nor anything was recovered from her



possession or from her house, as such, no offence under Excise Act is made out against her. Similarly placed co-accused Punni Yadav has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.02.2020 passed in Cr. Misc. No.158 of 2020. Petitioner is a lady having no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Forbesganj P.S. Case No.626/19 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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