

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20180 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Anita Devi Wife of Late Sant Kumar Pandey Resident of Village - Bheriyahi,
P.S.- Kanti, Distt - Muzaffarpur, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tejendra Sinha

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioners undertakes

to remove the defects within three weeks of the

resumption of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.



The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the prosecution report submitted by the S.I. of Excise, Muzaffarpur Town Circle to the Special Judge, Excise, Muzaffarpur on 07.04.2019 is to the effect that the informant received a secret information with regard to transportation of liquor. Consequently, raid was laid and from near a petrol pump situated in the village Barkagaon under Karza Police Station, two Bolero vehicles were found parked along with a motorcycle. From the two Bolero vehicles, altogether 2856 litres of Indian Made Foreign Liquor were recovered. It is alleged that the petitioner is owner of the alleged motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is a widow. Although, the motorcycle was registered in her name but she sold it to



one Naresh Kumar. There is no recovery from the motorcycle and only on the basis of suspicion, the petitioner has been sprang up in the present case. It is further submitted that co-accused Umesh Sahni whose name has been sprang up during investigation has been granted bail by a Co-ordinate bench of this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 52694 of 2019.

Learned counsel for the State submits that although there is no recovery from the motorcycle of the petitioner but it was found parked near the place of seizure.

From perusal of the seizure list, it appears that recovery has been made from two Bolero vehicles which were parked in an open space and the seizure list does not suggest any recovery from the motorcycle.

Considering the fact that recovery has not been made from the motorcycle of the petitioner nor it was used for carrying liquor or intoxicant and the petitioner is



not having any criminal antecedent, let the petitioner, above named, in the event of her arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Special Judge (Excise), Muzaffarpur in connection with Muzaffarpur (Excise) Case No. 55 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.



10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Muzaffarpur in connection with Muzaffarpur (Excise) Case No. 55 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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