

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17492 of 2020**

Arising Out of PS. Case No.-102 Year-2020 Thana- MASAUDHI District- Patna

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UMA DEVI aged about 49 years, Gender – Female, Wife of Shailendra Kumar Resident of Village - Badri Bigha, P.S. - Masaudhi, District - Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajeet Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-09-2020 Heard learned counsel for the petitioner and Mr. Nitya Nand Tiwary, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Masaudhi P.S. Case No. 102 of 2020 registered for the offence under Section 2/3/4 of Mahua Ful Control Act.

Learned counsel for the petitioner submits that the recovery of Mahua flower has been made from the abandoned motorcycle but because the motorcycle belonged to the petitioner she has been made accused. It is further submitted that vide order dated 09.07.2019 in CWJC No. 23163/2018 passed by Hon'ble Division Bench of this Court possession of more than 5 kg. of Mahua Flower however is no more an offence hence no case is made out against the present petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but considering the nature of



allegations and the fact that the recovery has not been made from the conscious possession of the petitioner and she was not riding the motorcycle when it was intercepted by police, let the petitioner above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Masaudhi P.S. Case No. 102/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

