

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26020 of 2020**

Arising Out of PS. Case No.-137 Year-2020 Thana- LAKHISARAI District- Lakhisarai

SITA DEVI Wife of Late Sarjan Chaudhari Resident of Village- Amahra, P.S.-
Lakhisarai Amahra O.P., District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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

2 16-10-2020 Learned counsel for the petitioner undertakes to

remove the defects within four weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking pre-arrest

bail in connection with Lakhisarai Amahra P.S. Case

No.137/2020 registered for the offences punishable under

Sections 30(a) and 36 of the Bihar Prohibition and Excise Act,

2016.

Learned counsel for the petitioner submits that on a

bare reading of the First Information Report it would appear that

the illicit liquor said to have been kept in a yellow colour plastic



jar with four liters Mahua wine has been recovered from a place which is an open place behind the wall of the house of the petitioner. It is submitted that such recovery cannot be taken to have been made from the house of the petitioner and the petitioner being 57 years old lady comes from a respectable family. It is submitted that the petitioner has got no criminal antecedent and she has been dragged in this case at the instance of the persons who have got some political differences.

Although, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, but on going through the F.I.R. this Court has noticed recovery of plastic colour galan in which four liters Mahua wine were allegedly kept has been shown from the place behind the wall of the house of the petitioner, in such circumstance, the fact that the petitioner has no criminal antecedent further led this Court inclined to grant privilege of anticipatory bail to the petitioner.

Let the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Lakhisarai Amahra P.S. Case No.37/2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions



Judge – cum – Special Judge, Excise, Lakhisarai, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

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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'.

