

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63597 of 2019

Arising Out of PS. Case No.-169 Year-2016 Thana- KOCHAS District- Rohtas

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SHANTI KUMARI, W/o late Bansh Narayan Sah, resident of Mohalla
-Gandhi Nagar, Ward No.5, P.S. -Kochas, District -Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 09-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned Sr. Counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016, as amended by Amendment
Act 8 of 2018 (hereinafter referred to as ‘the Act’).

The prosecution case as per the self statement of
Satish Kumar, Sub-Inspector-cum-S.H.O., Kochas Police



Station is to the effect that on 08.12.2016, a secret information was received to the effect that co-accused, Pradeep Kumar along with his brother has stored Indian Made Foreign Liquor in his house. Consequently, a raid was laid and 321.84 litres of Indian Made Foreign Liquor were recovered and co-accused, Pradeep Kumar was apprehended. The name of the petitioner sprang up during investigation when co-accused, Pradeep Kumar named the petitioner as a person who used to facilitate the selling of the liquor.

It is submitted by learned Sr. Counsel for the petitioner that neither in the confidential information, the name of the petitioner sprang up nor any recovery has been made from the conscious physical possession of the petitioner. Hence, no offence under the Act is made out against the petitioner. It is further submitted that the petitioner is accused in one other case in which she is on bail.

Learned APP for the State submits that the recovery has been made from the possession of the brother of the petitioner and during investigation, it transpired that the petitioner used to facilitate the sell of illicit liquor.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner,



let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Rohtas at Sasaram, in connection with Kochas P.S. Case No.169 of 2016.

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 thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Kochas P.S. Case No. 169 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will further be at liberty to



extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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