

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79351 of 2019

Arising Out of PS. Case No.-245 Year-2017 Thana- GAUTAMBUDHNAGAR District-
Siwan

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CHAMELI DEVI, Wife of Rajdeo Bin, Resident of Village-Pacharhata, P.S.-
G.B. Nagar, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 Heard learned 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, 420, 34 of the Indian Penal Code and Sections 34, 36 and 38 of the Bihar Excise and Prohibition Act, 2016.

It is alleged that from the hutment of the petitioner two litres of Mahua liquor has been recovered.

It is submitted by learned counsel for the petitioner that the petitioner's husband Rajdeo Bin has also been made accused in the present case and the hutment has no door, hence, the alleged recovery cannot be treated from the conscious physical possession of the petitioner. Moreover, the



husband of the petitioner has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.04.2018, passed in Criminal Miscellaneous No. 24105 of 2018 and the hutment is of a joint family house.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the petitioner is a lady, recovery is from a hutment having no door and the husband of the petitioner has been granted anticipatory bail by a co-ordinate Bench of this Court, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge (Excise), Siwan, in connection with G. B. Nagar P.S. Case No.245 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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