

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85904 of 2019

Arising Out of PS. Case No.-474 Year-2019 Thana- GANDHIMAIDAN District- Patna

Manju Devi, W/o Sambhu Kumar, Resident of Village - Railway Hunder Road, Near Devi Asthan, East Lohanipur, Kadamkuan, P.S.- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Mohan Kateryar

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends her arrest in connection with Gandhi Maidan P.S. Case No. 474 of 2019, Spl. Case No.10289 of 2019, registered for the offence punishable under Section 30(a) of Bihar prohibition of Excise Act.

The allegation against the petitioner as per the first information report is that on secret information that one person was standing in front of Jagat Palace Lalji Tola for the purpose of selling of illicit liquor which was kept on a motorcycle reached the place of occurrence and upon seeing the police party, one person started fleeing away leaving the motorcycle. Police recovered a bag containing the liquor from the handle of



the said motorcycle and the petitioner being the owner of the motorcycle has been made accused. The police recovered a total quantity of 1.44 litres of illicit liquor from the said bag.

Mr. Satish Kumar Sinha, learned counsel appearing for the petitioner submits that petitioner is lady and has falsely been implicated in this case on the basis of the fact that she is the owner of the motorcycle. Learned counsel submits that the petitioner had gone to the market along with her husband and the motorcycle was parked by the side of the road. Learned counsel further submits that possibility that the liquor was kept by somebody else on the motorcycle with oblique motive may not be ruled out.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner is a lady and no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by her, she shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Spl. Judge, Excise Act, Patna, in connection with Gandhi
Maidan P.S. Case No. 474 of 2019, Spl. Case No.10289 of 2019
subject to the condition as mentioned under Section 438 (2) of
Cr.P.C.

(Anil Kumar Sinha, J)

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