

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86695 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- KURLIKOT District- Kishanganj

Mosmat Badami Devi, aged about 45 years, Female, W/o Late Gopal Tanti @
Late Gopal Tanti, Resident of Village - Jhala, P.S.- Kurlikot, Dist.-
Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-02-2020 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

2. Petitioner apprehends her arrest in connection with
Special Case No.419 of 2019 arising out of Kurlikot P. S. Case
No.66 of 2019 registered for the offences punishable under
Sections 272, 273 and 290 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. The first information report discloses that the
alleged recovery has neither been made from the possession of
the petitioner nor from her house and it is alleged that the said
recovery was made from a bush situated in front of house of the
petitioner.

4. Therefore, even if the aforesaid prosecution story



assumed to be true. then also the case under Bihar Prohibition and Excise Act, 2016 does not appear to be made out against the petitioner.

5. Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of her arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd-cum-Special Judge, Excise Act, Kishanganj in connection with Special Case No.419 of 2019 arising out of Kurlikot P. S. Case No.66 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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