

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23624 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- DHANSOI District- Buxar

PUSPA DEVI @ PUSHPA DEVI W/o Jitendra Bin Resident of Village-
Amarpur, P.S-Dhansoi, District-Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-01-2021 Heard learned counsel for the petitioner learned APP for
the State.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Dhansoi P.S. Case No. 26 of 2020
registered for the offences punishable under Sections 30(a) of
Bihar Prohibition & Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per
the first information report the informant while on patrolling duty
got a secret information and started vehicle checking and in this
way he stopped one vehicle and arrested three persons namely,
Vikash Kumar Pathak, Chitranjan Pathak and Deepak Singh and
one person namely Rahul Yadav fled away. On search of the said
vehicle, 15 Cartons of English wine total 720 pieces of 180 ml
bottles, and total quantity 129.600 liters, 10 Cartons wine total
166 pieces and total quantity 83 liters, all quantity 212.600 liters



were recovered. Co-accused Vikash Kumar Pathak confessed before the police that he used to supply wine to this petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing has been recovered from her conscious possession and she has no concern with the vehicle. Learned counsel submits that she has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of this petitioner has been allegedly involved together with the co-accused on the basis of the statement of the apprehended accused saying that they had to deliver the liquor at the place of this petitioner, in course of raid at the house of this petitioner no liquor was recovered and the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Dhansoi P.S. Case No. 26 of 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 Additional District & Sessions Judge (II) cum Special Judge (Excise), Buxar, Bihar, 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

