

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37930 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- NAYAGAON District- Saran

MALTI DEVI @ GORAKI Wife of - Gajendra Hajara Resident of Village-
Kasturichak, P.S.- Nayagaon, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks. In the eventuality of non-removal of defects within the stipulated period, office will place the matter before the Bench.

Petitioner apprehends her arrest in connection with a case registered for the offence punishable u/s 30 38 41 37(c) of the Bihar Prohibition and Excise Act.

Altogether 15 liters of illicit liquor is said to have been recovered from village Kastrurichak and several persons in drunken state were apprehended from the spot. It is alleged that the petitioner, who was serving the liquor to the public present there, fled away from the spot.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case due to ulterior motive. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. Name of petitioner transpired in this case on the confessional statement of the apprehended person. Allegation against her is that after seeing the police, she fled away from the spot. She has no concern either with the seized liquor or any trade of liquor. There is a violation of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



Court below, where the case is pending/Successor court, in connection with Nayagoan P.S. Case No.178 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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