

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38321 of 2021

Arising Out of PS. Case No.-238 Year-2021 Thana- SHEKHPURA District- Sheikhpura

ANITA DEVI Wife of Mahendra Yadav Resident of Village- Akvarpur, P.S.-
Ariyari (Mohli O.P.), District- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner seeks permission of the
Court for correction in the P.S. case number mentioned in the prayer
portion of the present petition.

Permission is accorded.

Let the words “Sheikhpura P.S. Case No. 258 of 2021”
mentioned in the prayer portion of the petition be corrected to read as
“Sheikhpura P.S. Case No. 238 of 2021”.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of eight
weeks.

The petitioner is apprehending her arrest in a case
registered under Section 30(1)(a) of the Bihar Prohibition and Excise
Act, 2016.



The prosecution case, in short, is that 18.750 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as being owner of the tempo in question. The said tempo is run as public carrier. The petitioner had no knowledge regarding the nature of goods kept in the vehicle. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner is a lady. It is alleged that 18.750 liters wine is recovered from the tempo in question. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Sheikhpura in connection with Excise Case No. 147/2021 arising out of Sheikhpura P.S. Case No. 238 of 2021, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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