

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48417 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- RAJAPAKAR District- Vaishali

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BABY DEVI @ BEBY DEVI @ ANHARI W/o Chulhai Paswan Resident of
Village- Gauspur Bariarpur, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The petitioner is apprehending her arrest in Rajapakar P.S. Case No. 38 of 2021 registered for the offence under Sections-30(A) & 41(1) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 410 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 petitioner has been falsely implicated in the



present case. It is alleged that 300 liters wine is recovered from dairy farm of co-accused, 30 litres wine is recovered from a motorcycle, 25 litres each wine is recovered from two other motorcycles, 15 litres wine is recovered from another motorcycle whereas 15 litres wine is recovered from a scooty. None of the vehicles belongs to the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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 of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise



Act, Vaishali at Hajipur in connection with Rajapakar P.S. Case
No. 38 of 2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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