

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3636 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- BEERPUR District- Begusarai

BIMLA DEVI W/o Late Uchit Mahto R/o Village Rajapur (Sikraula), P.S. -
Birpur, District - Begusari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Baidya Nath Thakur, learned
Advocate for the petitioner and Mr. Kalyan Shankar,
learned APP for the State.

The petitioner seeks bail in anticipation of her arrest in connection with Birpur P.S. Case No. 100 of 2020 dated 07.08.2020 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

She is sought to be prosecuted in this because she happens to be the owner of the vehicle, from where 36 litres of liquor has been recovered.

Learned counsel for the petitioner has submitted that she had given her vehicle to her driver for being plied on commercial basis with clear instructions that the vehicle should not be used for any



unauthorized/illegal purposes. The driver of the petitioner has perhaps acted in a truant manner and has landed the petitioner in such an unenviable position.

On these grounds, it has been urged that no offence under the Excise Act can at all be said to have been made out against the petitioner.

While saying so, the learned counsel for the petitioner has also urged that the petitioner does not have criminal antecedents.

For the facts stated above, the petitioner is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Begusarai in connection with Birpur P.S. Case No. 100 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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