

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1139 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- JAYNAGAR District- Madhubani

POONAM KUMARI @ POONAM DEVI INDAL PASWAN R/o Village-
Pali, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav- Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Gagan Deo Yadav, the learned

Advocate for the petitioner and Mr. Arun Kumar Pandey,

the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Jai Nagar P. S. Case No.352 of 2019, instituted for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Two motorcycle borne persons were arrested and from their possession, 30 bottles, each containing 300 ml of Nepali liquor was found. The petitioner is sought to be prosecuted in this case because of the fact that one of the motorcycles in question stands in his name.



The learned Advocate for the petitioner has submitted that one Chandan Kumar Paswan, a co-villager had taken the motorcycle for his personal work and therefore, any recovery of excisable items from him cannot be saddled upon the petitioner. The co-accused person namely, Chandan Kumar Paswan has been arrested but has been granted bail by a Bench of this Court on 23.09.2019 passed in Cr. Misc. No.59620 of 2019.

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

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on her furnishing bail-bonds in the sum 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, Madhubani in connection with Jai Nagar P. S. Case No.352 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

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