

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2837 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

SUSHAMA DEVI, WIFE OF KUNJAN SINGH @ KUNJAN KUMAR
SINGH RESIDENT OF VILLAGE- SAWAMI PURNANAND COLONY,
KAMERE ASHARAM, POLICE STATION- RATU, DISTRICT- RANCHI
(JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard Mr. Vikram Deo Singh, learned counsel

for the petitioner and Mr. Suman Kumar Singh, learned

APP for the State.

The petitioner seeks bail in anticipation of her
arrest in connection with Sasaram (Mufassil) P. S. Case
No. 247 of 2020, dated 07.08.2020, instituted for the
offence under Section 30 (a) Bihar Prohibition and Excise
(Amendment) Act, 2018.

A pick-up van registered in the name of the
petitioner was intercepted from where huge quantity of
liquor is said to have been recovered. The petitioner



stays at Ranchi but the case has been lodged in Bihar.

The learned counsel for the petitioner has submitted that she is the owner of the vehicle in question but that is a public carriage and the same has been misused by the driver in connivance with another person. The petitioner had no idea about her vehicle being used for such purposes. When the petitioner had given her vehicle for being plied commercially, a specific instruction was issued that it should not be used for transporting any unauthorized items.

The learned counsel for the petitioner, therefore, has submitted that no offence under the Excise Act can at all be said to have been made out against the petitioner who did not have any idea about her vehicle being misused by the driver.

Regard being had to the afore-stated facts and taking into account the gender of the petitioner, she is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of



four 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 Additional Sessions Judge-II-cum- Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Mufassil) P. S. Case No. 247 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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