

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6845 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Nilam Devi, aged about 51 years, female, Wife of Ganauri Ram, Resident of
Mohalla - Birla Colony, P.S. - Phulwari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of her
arrest in connection with Special Case (Excise) No. 5575 of
2020, arising out of P.R. Digha Case No. 103 of 2020,
instituted for the offences under Sections 30(a), 32(1),
32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

44.565 litres of liquor is said to have been



recovered from a tempo. Three persons were arrested, namely, Shashi Kumari, Kapil Rajak and Dipak Kumar. The aforesaid three persons have disclosed that the petitioner is the owner of the said tempo vehicle.

It has been submitted on behalf of the petitioner that the vehicle in question was given by her to Dipak Kumar for being plied on roads for commercial purpose with clear instructions that the vehicle should not be used for any illegal purpose. The driver and his other associates have played truant.

The petitioner has no criminal antecedents.

On the basis of the afore-noted facts, it has been urged that no offence under the Excise Act can at all be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner, in the event of her arrest or surrender before the learned Court below within a period of four 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 Special



Judge, Excise, Patna in connection with Special Case (Excise)
No. 5575 of 2020, arising out of P.R. Digha Case No. 103 of
2020, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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