

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9949 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- RAMNAGAR District- West Champaran

1. LAKHANI DEVI @ LALCHUNI DEVI W/o Ghughali Gond Resident of Village - Zurapakari, P.s.- Ramnagar, Distt.- West Champaran.
2. Gyanti Devi @ Rabari Devi W/o Bhual Sah Resident of Village - Zurapakari, P.s.- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioners and the State through virtual mode.

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

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 is dismissed as withdrawn.



The petitioner No. 1 is apprehending her arrest in connection with Ramnagar P.S. Case No. 382 of 2021 registered for the offence under Sections-147, 149, 224 and 353 of the Indian Penal Code and Sections-30(a) and 45 of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 2.5 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. It is alleged that 2.5 litres wine is recovered from joint house of the petitioner No. 1. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 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 No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 1 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sri Pramod Kunmar, Special Judge, Excise, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 382 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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