

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37994 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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BIBHA DEVI W/O MITHILESH KUMAR R/o village- Surauli, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard the parties through virtual mode.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

Petitioner apprehends her arrest in connection with a case registered for the offence punishable under sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act.

Allegation is that during vehicle checking, from a four wheeler pick up van, 1197.00 liters of foreign liquor was recovered. The driver fled from the spot and petitioner being a lady, is said to be the owner of the vehicle.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. Her name transpired in the case only on the basis that the seized vehicle was found registered in her name whereas the factual matrix of the case is that petitioner lives with her husband in Bokaro and the vehicle was running under the supervision of her old father-in-law. The said vehicle was completely handed over to the driver for transport work, as such, petitioner has no role in the alleged offence. She has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of her arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Excise Case/Government Official Complaint Case No.98/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rs. Thirty Thousand) in Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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