

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50917 of 2021

Arising Out of PS. Case No.-283 Year-2021 Thana- GANDHIMAIDAN District- Patna

RADHA KUMARI Daughter of Lal Babu Prasad and Wife of Sanjay Kumar
Owner of Motor Cycle bearing No. BR01DL7903, Resident of Mohalla-
Bhawar Pokhar, Devi Asthan, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-02-2022 Heard the parties through virtual Court proceedings.

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

Petitioner apprehends her arrest in connection with a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 280 ml. of foreign liquor is said to have been recovered from the motorcycle of the petitioner which was standing near '*Udyog Bhawan*'.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. She has been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from the motorcycle of the petitioner but the fact is that the husband of the petitioner parked the said motorcycle near Udyog Bhawan and both went to purchase old books for their children but in the mean time, the said liquor was recovered from three persons who were standing near the motorcycle and managed to escape. It is further submitted that not a single drop of liquor has been recovered from the motorcycle of the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 5000.00/- (Rupees Five 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 Special Case No.3325 of 2021, arising out of Gandhi P.S. Case No.283 of 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.5000/- (Rupees Five Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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