

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48748 of 2022

Arising Out of PS. Case No.-577 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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NUTAN KUMARI W/o Indradeo Kumar Resident of Village- Near Deo School Senior Section Kanhari Hill Road, P.S.- Hazaribagh, present resident of Jaintgardi, Road, H.P. Jail, Police Station Jaganatpuri, District- West Singhbhum (Mahendra Zilo Registration JH02N27941, Owner).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-11-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

Petitioner apprehends her arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 247 litres of codine cough syrup is said to have been recovered from the vehicle of the petitioner.

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 at the instance of her enemies. Her name transpired in this case on



the basis that she is the owner of the vehicle of recovery. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. She has no concern either with the seized syrup or its liquor. Although the vehicle belongs to the petitioner but she had given the vehicle for marriage purpose in village and had no knowledge about the materials loaded in the vehicle. Petitioner used to live with her husband at Hazaribagh. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council 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 Act Case No.577 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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