

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56447 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- AMBA District- Aurangabad

KAUSHALAYA DEVI @ KAUSHLYA SONI S/o Mukhdev Yadav R/o
village- Tendua Pokhar, P.S.- Aurangabad Mufassil, District- Aurangabad
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends her arrest in connection with a case registered for the offence punishable u/s 30(a), 41(1), 120(B) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 85 litres of country made liquor is said to have been recovered from one motorcycle and one scooty. It is alleged that accused persons fled away from the spot.

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 motorcycle and she is not named in the F.I.R. 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 liquor or any trade of liquor. Although the motorcycle belongs to the petitioner but she was not even driving the same at the alleged time rather his son was using the motorcycle. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty 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 his 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 Amba P.S. Case No.93 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 the aforesaid amount in the account of Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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