

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67953 of 2021

Arising Out of PS. Case No.-406 Year-2021 Thana- KISHANGANJ District- Kishanganj

GULABI DEVI Wife of Late Chatru Mukhiya @ Chaitharun Mukhiya
Resident of Dheksara Kali Mandir (Tea Garden), P.S.- Kishanganj, District-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, five liters of country
made liquor has been recovered from a plastic bag and co-
accused, Basanti Devi, disclosed that the said bag was thrown
by this petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. Petitioner is a lady and



there is no allegation that petitioner was involved in sell and purchase of liquor, therefore, rigours of Section 76 (2) of the Bihar Prohibition and Excise Act does not attract against this petitioner. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Kishanganj in connection with Kishanganj PS case No. 406/2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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