

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7911 of 2023

Arising Out of PS. Case No.-339 Year-2020 Thana- BAISI District- Purnia

MALA DEVI Wife of Babli Mahaldar R/o Kaheruganj, P.S.- K. Nagar,
District- Purnea

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md Fazle Karim, Advocate
For the Opposite Party : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending her arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a), 41 & 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 21.752 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner's name has transpired in this case as he is said to be owner of the motorcycle, in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 21.752 liters wine is recovered from the motorcycle in



question. The motorcycle, in question was given by the petitioner to his co-villager for his personal use. The petitioner is a lady. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Purnea in connection with Baisi P.S. Case No. 339 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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