

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12196 of 2023

Arising Out of PS. Case No.-303 Year-2021 Thana- NAUGACHIA District- Bhagalpur

CHUMANI DEVI Wife of Mukund Yadav Resident of 49, Parsadh, Dugdha Coal Washrey, P.S.- Bokaro, District- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 30(a)/32(ii) of the Bihar Prohibition and Excise Act.

4339.80 litres of foreign liquor has been recovered from a truck. The driver of the truck was apprehended by the police at the spot. Name of the petitioner surfaced in the case during course of investigation in confessional statement of co-accused, Ashwini Pandey.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail



application. It is further submitted that the said truck is registered in the name of the petitioner, therefore, the petitioner is made accused in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner.

Taking into consideration the nature of offence and the fact that petitioner is the registered owner of the seized truck, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected in connection with Naugachia P.S. Case No.303 of 2021, pending in the court of learned Special Judge, Exclusive Excise Court No.2, Bhagalpur.

(Anjani Kumar Sharan, J)

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