

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13049 of 2023

Arising Out of PS. Case No.-1330 Year-2022 Thana- BIHTA District- Patna

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LUSHI KUMARI, Female, aged about 36 years, W/O NISHANT KUMAR,
Resident of R.G. Appt. Saketpuri Road, Bazar Samiti, P.S.- Rajendra Nagar,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party : Mr. Md. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending her arrest in connection with Bihta P.S. Case No. 1330 of 2022 for the offence registered under Sections 30(a), 32(i)(ii)(iii), 31, 36 and 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 365.65 liters wine is said to have been recovered from two cars.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. She has falsely been implicated in the present case. There is



no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 365.65 liters wine is recovered from two cars. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of seized cars in question. The petitioner is alleged to be the owner of the cars in question. The said cars run as a public transport. The petitioner had no knowledge regarding the nature of goods kept in the cars. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr. P.C. The petitioner is a lady. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances,



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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur, Patna, in connection with Bihta P.S. Case No. 1330 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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