

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12759 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- PIPRAKOTHI District- East Champaran

SHANTI DEVI, Female, aged about 38 years, W/O CHHABILA CHAUDHARY @ CHHABELA SAHANI @ CHHABILA SAHANI, Resident of Village- Hathiyahi, P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kundan Kumar@ Kundan Rathore, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

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 Piprakothi P.S. Case No. 05 of 2023 for the offence registered under Sections 272, 273, 308/34 of the I.P.C. and Sections 30(a), 30(c), 32, 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 30.800 liters wine is said to have been recovered from the different places by the side of the river.

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 30.800 liters wine is recovered from the different places by the side of the river. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. 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. The petitioner had no knowledge regarding the alleged incident. 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 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 Exclusive Special Excise Court No. 1, East Champaran, Motihari, in connection with Piprakothi P.S. Case No. 05 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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