

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12867 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

USHA DEVI, Male, age about 34 years, W/O SANJAY YADAV, R/v-
Jayatpur, P.S.- Udawantnagar, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra 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 Udwantnagar P.S. Case No. 547 of 2022 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 168 liters wine is said to have been recovered from the Motorcycle and Tempo in question.

It has been submitted by learned counsel for the petitioner that the petitioner 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 168 liters wine is recovered from the Motorcycle and Tempo in question. Out of which, 42 liters wine is said to have been recovered from the Motorcycle in question. 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 Motorcycle in question. The petitioner is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner to her co-villager for his personal use. 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 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 2nd Exclusive Special Excise Court, Bhojpur at Ara, in connection with Udwantnagar P.S. Case No. 547 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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