

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19404 of 2023

Arising Out of PS. Case No.-348 Year-2022 Thana- RAJAPAKAR District- Vaishali

Umaira Khatoon wife of Mohammad Imteyaj Alam @ Imtiyaj Resident Of
Village Ahiyapur, Chandan Bakhari, Mirzapur ,P.S Ahiyapur, District
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-05-2023 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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 120 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent and there is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has falsely been implicated in this case. It is alleged that 120 liters
wine is recovered from the motorcycle. The name of the petitioner
has transpired in this case being the owner of the motorcycle in
question. Said motorcycle was given by the petitioner to the 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. The petitioner is a lady. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below/concerned Court in connection with Rajapakar (Baranti O.P.) P.S. case No.348 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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