

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31564 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- WARISNAGAR District- Samastipur

MAMTA KUMARI PRABHU RAY R/O-GADOPUR, P.S.-SAMASTIPUR,
DISTT.-SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a woman and is a person with clean antecedent and allegation is of recovery of 6633.360 liters of liquor from a truck and a pickup van.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from her conscious possession, it is next submitted that the FIR does not even remotely suggest that the woman was present at the place of occurrence or fled. It is



further submitted that petitioner being owner of the pickup van came to be implicated, it is also submitted that no prudent person would misuse her own vehicle for committing a crime and thus would create evidence against herself and hence would get implicated easily, it is next submitted that petitioner was completely unaware that the driver of the pickup van would misuse the vehicle in the manner as alleged in the FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Warisnagar P.S. Case No. 98 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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