

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36476 of 2023

Arising Out of PS. Case No.-75 Year-2019 Thana- JOGBANI District- Araria

Geeta Devi @ Usha Devi W/O Ram Lal Yadav R/O Vill. Indranagar, Ward
No. 10, Ps. Jogbani, Dist. Araria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30 (a), 38 (i) of the Bihar Prohibition & Excise Act, 2016 and Sections 27 (B) (2)/28 read with 36 Drugs & Cosmetic Act.

3. As per the prosecution, the FIR has been lodged against 4 named accused persons including the present petitioner.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. Counsel submits that FIR some persons fled away with bags but the police recovered different medicines including cough syrup. Counsel further submits that name of the petitioner

has been figured in this case only and only due to the reason that her husband was made accused by the police. He further submits that one named accused person Ramkaran Yadav has been granted anticipatory bail vide order dated 07.08.2019 in Cr. Misc. No.35584 of 2019 by the Co-ordinate Bench of this Court. Counsel also submits that another lady, who has been accused in this case has also got anticipatory bail, which has been annexed as Annexure-2.

5. Learned APP for the State opposes the prayer for bail and submits that anticipatory bail under Excise Act is not maintainable.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond to the satisfaction of the learned Exclusive Special Judge Excise-II, Araria, in connection with Jogbani P. S. Case No.75 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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