

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40191 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- LAKHNAUR District- Madhubani

Savitri Devi, aged about 55 years, Gender – Female, Wife of Late Jagdish Yadav, Resident Of Village - Purani Pokhar Nawtol, P.S. - Lakhnaur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Jitendra Kumar Bharti, learned counsel appearing on behalf of the petitioner and Mr. Bishweshwar Ram, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Lakhnaur (R.S.O.P) P.S. Case No. 94 of 2022 dated 07.06.2022 giving rise to G.R. No. 392 of 2022 registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 15 litres of Nepali Saufi wine from the house of one Chandan Yadav.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. She is a female member of the family. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is not involved in any manner either manufacturing and sale of liquor or its smuggling. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as quantity of liquor. Petitioner is female member of the family. Nothing has been recovered from the conscious possession of the petitioner and petitioner has no criminal antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, District- Madhubani, in connection with Lakhsaur (R.S.O.P) P.S. Case No. 94 of 2022 dated 07.06.2022 giving rise to G.R



No. 392 of 2022, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

**8. The Court below is directed to verify the criminal
antecedent of the petitioner as stated in paragraph no. 3 of
the bail application. If any other case is pending against the
petitioner as what has been stated in paragraph no. 3, this
order will loose its force automatically.**

(Purnendu Singh, J)

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