

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37759 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- KAHALGAON District- Bhagalpur

SUJATA KUMARI, Wife of Lalan Kumar, Resident of Village - Sukhashan
Chakla, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending her arrest in
connection with Kahalgaon (Ghogha) P.S. Case No. 460 of 2023
registered for offence under Section 30(a) of Bihar Prohibition
and Excise Act.

3. There is recovery of 126 litres of illicit liquor from
the petitioner's vehicle (*Scorpio*).

4. It is submitted by learned counsel for the petitioner
that the petitioner has been implicated only because the vehicle
was registered in her name. The same was borrowed by the
persons who allegedly have used it for the purpose of carrying
illicit liquor, for which the petitioner cannot be held liable.
There is no recovery from petitioner's possession and she has no



criminal antecedents. The submission is that being a female and having regard to these circumstances from the allegations, it is obvious that no case would be made out against the petitioner under the provisions of the Bihar Prohibition and Excise Act.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre- arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, as also clean antecedents of the petitioner who happens to be a female, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge- IX, Bhagalpur, in connection with
Kahalgaon (Ghogha) P.S. Case No. 460 of 2023, subject to the
conditions as laid down in Section 438(2) of the Code of
Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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