

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37756 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- AMBA District- Aurangabad

ANJALI KUMARI, D/o Rajeshwar Ram, Resident of village - Karma, Basantpur, P.s. - Simra, Distt. - Aurangabad (Bihar), at present wife of Ranjan Kumar, residing at village - Hathbore, P.S. - Amba, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, 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 Amba P.S. Case No. 111 of 2023 registered for offence under Section 30(a) of Bihar Prohibition and Excise Act.
3. 4.5 litres of illicit liquor has allegedly been recovered from two vehicle in the course of checking. From the petitioner's motorcycle on which three persons were moving, there is recovery of 5 cans (2.5 litres) of illicit liquor.
4. It is submitted by learned counsel for the petitioner that the petitioner has been implicated only because the motorcycle stands registered in her name. The person who has



been arrested had borrowed the same. She has thus become victim of the circumstance. There is no recovery from her possession and the prosecution case, therefore, does not make out any offence against the petitioner. The petitioner has no criminal antecedents.

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 Special Judge, Excise, Ist, Aurangabad (Bihar), in connection with Amba P.S. Case No. 111 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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