

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40850 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Mamta Devi, Wife of Arbind Paswan @ Arbind Kumar, Resident of village -
Aamdipur Dhamaun, P.S. - Patory, Distt. - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. Petitioner in the present case is seeking pre-arrest bail in connection with Patory P.S. Case No. 434 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022. She has no criminal antecedent.

3. As per the prosecution story, on 15.10.2022 the informant got secret information that in village Andhipur Dhamaun, one person has arrived at the house of Arbind Paswan to deliver liquor. The informant reached there and saw that on seeing the police, one male and one female tried to escape but the male was apprehended on chase and the female managed to escape. The apprehended person disclosed his name as Rajesh Rai and disclosed that the lady who managed to escape is the



wife of Arbind Paswan. The police recovered fifteen litre of mahua wine from the apprehended person and disclosed that wife of Arbind Paswan is involved in selling of liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the name of the petitioner has transpired in the statement of the co-accused Rajesh Rai in the capacity of wife of Arbind Paswan. No illicit liquor has been recovered from the house of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is that nothing has been recovered from the house of the petitioner, the name of the petitioner has come in the statement of co-accused Rajesh Rai who said that he had come to deliver mahua wine to wife of Arbind Paswan, the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of her arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Patory P.S. Case No. 434 of 2022 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-2 (Excise Act), Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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