

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41136 of 2023

Arising Out of PS. Case No.-950 Year-2022 Thana- SITAMARHI District- Sitamarhi

Nirmala Devi Wife Of Late Suresh Mukhiya, Resident of Village Rajopatti,
Ward No. 7, PS- Sitamarhi (MEHSAUL O.P.), District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Fahimuddin, 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. The petitioner in the present case is seeking pre-arrest bail in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 950 of 2022 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018. She has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the allegation against the petitioner is that from her house total 9.9 liters of liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the police has concocted the story in collusion with the inimical persons.

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



6. Having regard to the quantity of liquor allegedly recovered from a room of the house of the petitioner, the submission that the police has concocted story in collusion with the inimical persons and the seizure list was prepared in the police station, further that this petitioner has got no criminal antecedent, this Court directs that in case of her arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 950 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 Exclusive Special Excise Court- II, Sitamarhi, 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 allowed.

(Rajeev Ranjan Prasad, J)

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