

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48033 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- RIGA District- Sitamarhi

Mandvi Pandey Wife Of Gopal Panday Resident Of Village- Ganeshpur, Po-
Babhangama, Ps- Riga, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the
petitioner and learned APP for the State.
2. This is an application for grant of
anticipatory bail in connection with Riga P.S. Case
No.215 of 2022, registered for offence under
Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.
3. The allegation is regarding recovery of 9
litres of illicit liquor from a motorcycle, which is
stated to be owned by the petitioner.
4. The learned counsel for the petitioner
has submitted that the petitioner is innocent, she
has been falsely implicated in the present case and



she is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to paragraph no.10 of the present petition that though 9 litre of Nepali Saufi wine has been recovered from the motorcycle being owned by the petitioner, but the same was recovered when the said motorcycle was being driven by her friend, hence the petitioner is not having any complicity in the alleged crime, thus, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the specific averment of the petitioner in the present petition that on the alleged date and time of occurrence, motorcycle in question was being driven by her friend, apart from the fact that



she is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Sitamarhi in connection with Riga P.S. Case No.215 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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