

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43270 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- MADHWAPUR District- Madhubani

Vimla Devi @ Vimla Kumari W/O- Manish Baitha, Village- Chandauna, PS-
Jale, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhwapur P.S. Case No. 161 of 2022 dated 10.11.2022, registered for the offences punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022, pending in the learned Court below.

3. As per the prosecution story, upon receiving secret information, the informant along with other police personnel reached the alleged place of occurrence. Two co-accused persons were apprehended, a motorcycle was seized and 27 litres of Nepali liquor was recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that 27 litres of Nepali liquor was recovered from the place of occurrence. Two persons were also apprehended by the police on the spot. The petitioner is made accused in the present case because the said motorcycle belongs to him. It is further submitted that the petitioner has no criminal antecedent and nothing has been recovered from the conscious possession of the petitioner.

5. Petitioner has agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner as well as his clean antecedent, I am inclined to grant anticipatory bail to the petitioner. Accordingly, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on

furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with **Madhwapur P.S. Case No. 161 of 2022**, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner will not indulge himself in any similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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