

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44031 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Kanchan Devi, Wife of Laltu Nat, Resident of village - Ghagha Bazar, Nat
Toli, P.S. - Jagdishpur, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 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 Jagdishpur P.S. Case No.36 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 353, 427, 337, 332 and 333 of the Indian Penal Code and Sections 30(a)(c)/41(i)(ii) and 45 of the Bihar Prohibition and Excise Act, 2016. The petitioner has got no criminal antecedent.

3. As per the prosecution story, allegedly 90 liters of illicit liquor have been recovered from the vicinity of the petitioner's house.

4. Learned counsel for the petitioner submits that there is no allegation of commission of overt act against the



petitioner, she is said to be a member of the unlawful assembly but she was not present on the spot rather her name has been brought by the local chowkidar. Learned counsel submits that the co-accused similarly situated have been granted privilege of anticipatory bail vide Cr. Misc. No. 24537 of 2023 (Annexure-‘2’).

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

6. Having regard to the submission that the country made wine were recovered from the vicinity of the petitioner’s house and there is no allegation of commission of overt act against the petitioner, she is said to be a member of the unlawful assembly but she was not present on the spot rather her name has been brought by the local chowkidar and the co-accused similarly situated have been granted privilege of anticipatory bail vide Cr.Misc.No.24537 of 2023 (Annexure- ‘2’), this Court directs that in case of her arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1st, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 36



of 2023, 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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