

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47858 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- PASRAHA District- Khagaria

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AHILYA KUMARI Wife of Krishndev Kumar Resident of village -
Madhurapur, Narayanpur, P.S. - Bhawanipur (Narayanpur), Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023

Heard the parties.

The petitioner is apprehending her arrest in connection with Pasraha P.S. Case No. 112 of 2023 for the offence under sections 30(a) and 37 of Bihar Prohibition and Excise Act, 2016 (Amended 2018) of the I.P.C. lodged on 04.05.2023 by the informant, Devendra Kumar.

As per the prosecution story, a Scorpio was intercepted and 1.5 liters of liquor was recovered/seized. The petitioner being owner of the said Scorpio, her name has also come. Accordingly, the F.I.R.

It is the case of the petitioner that she is just an owner, a lady, had no knowledge what the driver is doing.

Learned APP opposes the prayer but concede that the petitioner is a lady, being an owner, has been implicated.



Considering the fact that the petitioner is a lady, has no criminal antecedent and the car was being driven by the driver, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge 2nd, Khagadia, in connection with Pasraha P.S. Case No. 112 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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