

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45746 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- AMBA District- Aurangabad

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KAILI DEVI W/O SHYAM BIHARI PRAJAPAATI R/O Village-
Maharajganj, Matpa, P.S- Kutumba, Distt.- Aurangabad(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Mrs. Leelawati Kumari, learned counsel for
the petitioner and learned APP for the State.

The petitioner apprehends her arrest in connection with Amba P.S. Case No. 107 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 06.05.2023 by the informant, Dinesh Kumar.

As per the prosecution story, the police upon information intercepted a motorcycled and recovered/seized 930ml sterling reserve whisky (IMFL) and FIR lodged.

The petitioner owns the motorcycle and according to the learned Counsel for the petitioner, it was taken away by his son, Anil Kumar and in that way, she finds herself implicated.

Learned APP for the State, on the other hand, opposes



the prayer for anticipatory bail.

Considering the fact that the petitioner is an aged lady, has no criminal antecedent and only the motorcycle belongs to her, this Court is inclined to extend her privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Aurangabad (Bihar) in connection with Amba P.S. Case No. 107 of 2023 subject to condition 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 *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 the bail bonds.

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

(Rajiv Roy, J)

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