

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46518 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- ARARIA District- Araria

BITTI HEMBRUM WIFE OF LATE UMESH YADAV @ TUDDU
HEMBRUM, R/O VILLAGE- WARD NO 4, RAMPUR KODAR KATTI,
P.S. ARARIA, DISTRICT- ARARIA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

: Mr.Dheeraj Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2023

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Araria P.S. Case No. 280/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 05 liters Desi Chulai liquor from Kachcha house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is lady and she bears no criminal antecedent. No incriminating article has been recovered from conscious possession of the



petitioner. He further submits that recovery has been shown by the police is from a Kachcha house of the petitioner in which several other family members resides and it is in possession of joint family for which the petitioner along cannot be made an accused. In this way, no offence is made out against the petitioner under Section 30(a) of the Bihar Prohibition and Excise Act, 2016

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner is lady, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Araria in connection with Araria P.S. Case No. 280/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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