

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47676 of 2023

Arising Out of PS. Case No.-59 Year-2021 Thana- BASANTPUR District- Siwan

Manju Kunwar Wife Of Late Asharfi Choudhary R/O-Khodipakad, P.S.-
BASANTPUR, Distt.-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rana Neha Kumari, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard Ms. Rana Neha Kumari, learned counsel for
the petitioner and the State.

The petitioner is apprehending arrest in connection with Basantpur P.S. Case No. 59 of 2021 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.2.2021 by the informant, Lalit Yadav.

As per the prosecution story, the police upon information raided the house of the petitioner and recovered 25 liters of Mahua liquor from the back side of her house and thereafter another house of Shravan Choudhary recovered 35 liters of country made Mahua liquor from the southern side of his house. Accordingly, the FIR.

Learned counsel for the petitioner submits the recovery is from the back side of her house which cannot be



attributed to her. She has no criminal antecedent and is ready to abide by all the terms and conditions.

Learned APP Mr. Bharat Bhushan opposes the prayer for bail.

Considering the aforesaid facts submitted by the learned counsel for the petitioner as also that she is aged lady having no criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Basantpur P.S. Case No. 59 of 2021 to the satisfaction of learned Exclusive Special Excise Judge-1, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 her



bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) 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;

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

Before parting, this Court would like to put on record its word of appreciation for Ms. Rana Neha Kumari, learned counsel for the petitioner for the proper assistance rendered by her.

(Rajiv Roy, J)

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