

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48803 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Ranju Devi, Wife Of Ashok Manjhi, R/O-Chhoti Kabaiya, Suryanarayan
Ghat, Ward No. 25, P.S.-LAKHISARAI (KABAIYA), Distt.-LAKHISARAI.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner is apprehending her arrest in
connection with Lakhisarai (Kabaiya) P.S. Case No. 191 of 2023
registered for the offence punishable under Sections 30(a) and
45 of Bihar Prohibition and Excise Act and Sections 307, 332,
333, 353, and 34 of the Indian Penal Code.
3. 10 litres of illicit liquor has allegedly been
recovered from the petitioner's house.
4. It is submitted by learned counsel for the petitioner
that the liquor has been planted by someone on extraneous
considerations. The petitioner has one antecedent and in which
she is stated to be on bail. The prosecution case, even if taken at
the face value for the purposes of consideration under Section



76(2) Bihar Prohibition and Excise Act for grant of anticipatory bail, no case can be said to be made out.

5. The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the allegations are under the Bihar Prohibition and Excise Act, and there is a bar to grant of bail under Section 76 of the Act.

6. Considering the rival submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in ***2019(2) PLJR 1089(FB)***, is inclined to accept the submissions advanced by learned counsel for the petitioner for the purposes of grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge IVth-cum-Exclusive Special Judge, Excise 1st, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 191 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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