

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52607 of 2023**

Arising Out of PS. Case No.-167 Year-2023 Thana- KONCH District- Gaya

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Madhu Devi W/O Girjesh Paswan R/O Village- Ker, Ps. Conch, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 19-08-2023 Heard Mr. Sunil Kumar Yadav, learned counsel

appearing on behalf of the petitioner and Ms. Pushpa Sinha. 1,

learned APP appearing on behalf of the State.

2. The petitioner apprehends her arrest in connection
with Konch P.S. Case No. 167 of 2023 registered under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the allegation made in the F.I.R., altogether
5 litres of Mahua recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner has falsely been implicated in



the present case and she has no concern with the alleged recovery of Mahua. Learned counsel further submits that petitioner has clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioner as well as the total quantity of Mahua which has been recovered is only 5 litres, I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Special Judge, Excise, Judge-I, Gaya in connection with Konsh P.S. Case No. 167 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in



paragraph No.3 of the bail application, this order will
automatically loose its force.

(Purnendu Singh, J)

Manish/-
Minu/-

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