

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61026 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- BABUBARHI District- Madhubani

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NEHA KUMARI W/O NISHANT JHA, D/O KRISHNADEV PATHAK R/O
RAGHOPUR BALAT, P.S.- RAJNAGAR, DIST.- MADHUBANI AND
PRESENT RESIDENT OF HOUSE NO. 3G/34, P.S.- NIT-3, DIST.-
FARIDABAD, HARYANA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioner and learned APP

for the State.

2. Petitioner apprehends her arrest in connection with a case
registered for the offence punishable u/s 272 & 273 of IPC and
30(a) of the Bihar Prohibition and Excise Amendment Act-2018.

3. Altogether 54 litres of foreign liquor is said to have been
recovered from the scooty of the petitioner.

4. Learned counsel for the petitioner submits that petitioner
is quite innocent and has not committed any offence as alleged
in the FIR. Petitioner has been falsely implicated in this case.
Her name transpired in this case on the basis that she is the
owner of the said Scooty but the real fact is that she sold the
said scooty to the accused Rahul Kumar Paswan after executing



sale letter and she had no knowledge of the alleged recovery. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. She has no concern either with the seized liquor or any trade of liquor or the place of recovery. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Babubarhi P.S. Case No.245 of 2021 (G.R. No.1954/21), subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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