

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57141 of 2023

Arising Out of PS. Case No.-244 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Ruby Yadav @ Ruby Devi, Wife of Mannu Yadav, Resident of Village -
Indrapuram (Naya Khand), P.S. - Basundhara, District - Gaziabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 13-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner apprehends her arrest in
connection with Dumariyaghat P.S. Case No. 244 of 2022 dated
17.11.2022 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner, who is a lady,
has fair and clean antecedent and as per the allegation, a total of
261.750 litres of *country-made foreign* liquor was recovered
from a *Swift* car which stands registered in the name of this
petitioner and mainly on account of the said reason, she has
been dragged in the present matter and admittedly, she was not



found in the said vehicle when the recovery of the alleged liquor was made. It is further submitted that on the alleged date of occurrence, a friend of husband of the petitioner had taken the alleged vehicle from her husband on the pretext of going to his relative but the said friend misused the petitioner's vehicle and regarding the alleged liquor being recovered from the petitioner's vehicle, she had no knowledge and the alleged offence of the FIR do not attract against the petitioner.

4. Learned APP for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the facts that the petitioner, who is a lady, has fair and clean antecedent and she has been dragged in this case mainly on account of being registered owner of the alleged vehicle in which the alleged liquor was found and as per the FIR, the main allegation of smuggling of the alleged liquor is against co-accused Prakash and absconded co-accused Ankit Tyagi and in respect of the petitioner's involvement in the alleged crime, the prosecution is mainly relying on the disclosure made by the apprehended co-accused Prakash, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above,



in the event of her arrest or surrender before the learned Court below 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 to the satisfaction of the Court concerned in connection with Dumariyaghat P.S. Case No. 244 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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