

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59420 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Babita Devi W/O Baharan Bin @ Baharan Ravat R/O Village- Gaur Kathak,
PS. G.B. Nagar, Dist. Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with G.B. Nagar P.S. Case No. 265 of 2023 registered for the offences punishable under Section 30(a)/34/30(D)/36 of Bihar Prohibition and Excise Act. She has got no criminal antecedent.

3. Learned counsel for the petitioner submits that while the informant was on night patrolling duty got secret information that the FIR named accused persons are involved in preparation of liquor and are selling the same. The informant reached at the given place and noticed that the three persons are indulged in preparation of liquor. On seeing the police party, they started fleeing and managed to escape. The informant



recovered utensils and 60 liters of country-made liquor from that place.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is a lady and nothing has been recovered from her conscious possession. The alleged recovery has been made in the dark and there is no source of identification.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged recovery of 60 liters of illicit liquor has been made from a place which is near the house of Bhola Ansari, this petitioner is not a resident of the said place or is in possession of the said place from where recovery has been made, she is a lady and it is difficult to understand that the police force cannot apprehend her if she was present at the place of occurrence, it is further submitted that co-accused Rudal Bind @ Rudal Ravat has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 61979 of 2023, the petitioner has otherwise no criminal antecedent, in these circumstances, this Court directs



that in case of her arrest or surrender within a period of six weeks from today, the petitioner above named shall be released on bail in connection with G.B. Nagar Police Station Case No. 265 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no. I, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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