

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58870 of 2023

Arising Out of PS. Case No.-238 Year-2023 Thana- BIHPUR District- Bhagalpur

Babita Devi, aged about 31 years, Gender-Female, Wife of Shankar Singh
Resident of Village- Hariyo P.S-. Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with Bihpur P.S. Case No. 238 of 2023 instituted under Section
30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 13
liters of local country made liquor from the Bhuskhar of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is a woman having no criminal antecedent and she has
falsely been implicated in this case. The alleged Bhuskhar is an
open space and it is separate from the house of the petitioner.
There is no recovery made from the conscious possession of the
petitioner.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge – IX – cum – Special Judge (Excise-I), Bhagalpur or Successor Court in connection with Bihpur P.S. Case No. 238 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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