

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59524 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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PHULO DEVI W/O LATE SHANKAR SAHANI R/O VILLAGE-
CHUNABHATTI, NAKA-8, P.S- UNIVERSITY (L.N.M.U), DISTT.-
DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023

Heard the parties.

2. The petitioner is apprehending her arrest in connection with University (L.N.M.U) P.S. Case No. 142 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act 2016 lodged on 11.05.2023 by the informant, Lucky Kumari.

3. As per the prosecution story, on 11.05.2023 the informant, Lucky Kumari was on patrolling duty, when she got information about presence of Nepali liquor in the hut like house of petitioner. As she reached, Phulo Devi escaped. The hut was searched and 39 bottles of Nepali Saurabh Saufi liquor of 300 ml each kept in the corner while 30 bottles of Nepali Saurabh Saufi liquor of 300 ml each recovered from a pit. Thus, 69 bottles totalling 20 liters and 700 ml were recovered. The seized liquor was confiscated after making a formal seizure list followed by FIR.



4. Learned Counsel for the petitioner submits that the recovery is from a hut which is an open place, she was not present in the hut, is an aged lady and due to village rivalry, has been implicated.

5. Learned APP opposes the prayer.

6. Taking into account the fact that she is an aged lady and there is no recovery from her conscious possession and she do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Incharge Special Judge, Excise 2nd, Darbhanga, in connection with University (L.N.M.U) P.S. Case No. 142 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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