

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62062 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- GOPALPUR District- Patna

SHILPY SINHA Wife of Dhananjay Kumar Resident of Village- Nisarpura,
P.S.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defect nos.4 and 5 in course of the day. He submits that rest
of the defect(s) have already been removed.

Petitioner apprehends her arrest in connection with a case
registered for the offence punishable u/s 30(a), 45 of the Bihar
Prohibition and Excise Act, 2016.

Altogether 475 ml. of foreign liquor is said to have been
recovered from the car of the petitioner.

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 at
the instance of her enemies. Her name transpired in this case on



the basis that she is the owner of the seized car. 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. Although the said car belongs to her but the same was taken by one Sameer Prakash on the pretext of going to a marriage. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

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 Special Case No.4363 of 2021, arising out of Gopalpur P.S. Case No.238 of 2021, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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.

(2) 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.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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