

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63990 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- MANJHI District- Saran

Masuma Khatoon W/o Md. Nasir R/o Village- Gopalpur, Ps. Kanti, Dist. Muzaffarpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 16-10-2023 Heard Mr. Avnish Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Nityanand, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Manjhi P.S. Case No.183 of 2023 dated 12.06.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Prosecution story, in brief, is that recovery of 72 liters of beer has been made from a car and the petitioner is the owner of the car.

4. Learned counsel appearing on behalf of the petitioner submitted that a vehicle bearing Registration No.BR06CT-7326 was registered in the name of the petitioner and on the date of occurrence the said vehicle was driven by her driver but the petitioner was not present in the said vehicle. He submits that apprehended accused persons disclosed their names as

Om Prakash Kumar and Manish Kumar Pathak and name of absconded driver of the car as Sandeep Kumar and accordingly seizure-list was prepared and FIR was registered. Learned counsel further submits that petitioner is not engaged in liquor trade in any manner.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, I am of the opinion that petitioners has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Judge, Saran at Chapra in connection with Manjhi P.S. Case No.183 of 2023 dated 12.06.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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