

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63680 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- SHIVSAGAR District- Rohtas

Kunti Devi, W/o Bablu Ram, R/o Village- Shivpur, P.S.- Darigaon, Dist-
Rohtas

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 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 Shivsagar P.S. Case No. 242 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. She has got no criminal antecedent.

3. As per the prosecution story, allegedly 5 liters of country made mahua liquor has been recovered from a motorcycle which stands in the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is the mother of the boy who was arrested with the motorcycle from which 5 liters of illicit liquor is said to have been recovered. Learned counsel submits that the petitioner was not in conscious possession of the illicit liquor and she has been



made accused only because the motorcycle stands in her name.

It is submitted that she has otherwise no criminal antecedent

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 that the petitioner is the mother of the boy who was arrested with the motorcycle from which 5 liters of illicit liquor is said to have been recovered, the petitioner was not in conscious possession of the illicit liquor and she has been made accused only because the motorcycle stands in her name, she has otherwise no criminal antecedent, this Court directs that in case of her arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Shivsagar P.S. Case No. 242 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 2 cum Additional District and Sessions Judge Rohtas at Sasaram, 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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