

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64910 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- Excise P.S. District- Nawada

NITU DEVI WIFE OF PAPPU CHAUDHARY VILLAGE- GOPALPUR
DIBOUR, PS- RAJALI, DIST- NAWADAH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-10-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Excise PS case no. 218 of 2023, disclosing offences punishable under Sections 30(a) and 56(2)(ii) of Bihar Prohibition and Excise Act, 2016.
3. The prosecution story, in brief, is that Excise officials on 08.03.2023 during course of patrolling, intercepted one Hero Honda Splendor Plus motorcycle bearing registration no. BR 27S-5533 and recovered 40 liters of illicit liquor from the same and arrested two persons, who were sitting on the motorcycle namely Pappu Chaudhary and Pikku Kumar. The petitioner has been made accused on the basis of being owner of the said motorcycle.



4. Learned Counsel for the petitioner submits that petitioner is wife of co-accused Pappu Chaudhary, who was arrested along with illicit liquor and motorcycle of the petitioner was seized. It is further submitted that the petitioner has been made accused in this case merely because she happens to be the owner of the motorcycle and at the time of occurrence, motorcycle was being driven by her husband Pappu Chaudhary and a pillion rider was sitting on the back and petitioner was not aware about the illicit liquor being kept in her motorcycle.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the motorcycle owned by the petitioner, was being driven by her husband, who was arrested from the spot along with illicit liquor and petitioner is a lady, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Nawadah in connection with Excise PS case no. 218 of 2023,



subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

