

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66216 of 2023**

Arising Out of PS. Case No.-797 Year-2022 Thana- FATEHPUR District- Gaya

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Suman Kumari (Female) Aged About 20 Years, Daughter of Manoj Yadav,
Resident of Village- Utalibara, Police Station- Tankuppa, District- Gaya. W/O
Rahul Kumar, Village- Dumri Chatti, P.S- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Kamal Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Md. Mushtaque

Alam, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Fatehpur P.S. Case No. 797 of 2022 dated 28.12.2022
registered for the offence punishable under Section 188 of the
IPC and Section 30 (a) of the Bihar Prohibition and Excise Act
as amended up-to-date.

3. Allegation is of recovery of 2 litres of country made
liquor from a motorcycle bearing Registration No. JH-02BE-
4340 belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered



from the conscious possession of the petitioner. He further submitted that motorcycle was being used by her husband and she is not concerned with the alleged recovery of 2 litres of liquor. Husband of the petitioner has already been released on bail by the learned District Court, however, on the ground that the motorcycle is registered in the name of the petitioner, she has not been released. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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, as well as, the fact that only two litres of country made liquor was recovered. Petitioner has clean antecedent. I am of the opinion that petitioner 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 her 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) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 1, Gaya, in connection with Fatehpur P.S. Case No. 797 of 2022 dated 28.12.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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