

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65066 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- PRANPUR District- Katihar

SONA DEVI WIFE OF DASHRATH VISHWAS RESIDENT OF VILLAGE
SIRANDA PS PRANPUR DISTRICT KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Pranpur (Roshna O.P.) P.S. Case No. 127 of 2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, informant and other police official apprehended co-accused Abhishek Das with motorcycle and 34.14 litre foreign liquor was recovered from the bag of co-accused Abhishek Das.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and her name has been surfaced in this case as the owner of motorcycle in question. Co-accused Abhishek Das is son of the present petitioner who has



taken the motorcycle for doing urgent work and he is apprehended by the police with illegal wine and petitioner has no knowledge that illegal wine was kept by her son on the motorcycle in question. Except the aforesaid material, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner has no concern with the illegal wine in question. Petitioner is lady and she bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner is lady and bears clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned In-charge cum
Exclusive Special Excise Court No. 2, Katihar in connection
with Pranpur (Roshna) P.S. Case No. 127 of 2023, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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