

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68418 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- SISWAN District- Siwan

1. RAJESH CHAUDHARY S/o Jaishri Chaudhary R/o village- Chainpur Pashi Tola, P.S.- Siswan, Distt- Siwan.
2. ANIL CHAUDHARY S/o Jaishri Chaudhary R/o village- Chainpur Pashi Tola, P.S.- Siswan, Distt- Siwan.
3. SUNIL CHAUDHARY S/o Jaishri Chaudhary R/o village- Chainpur Pashi Tola, P.S.- Siswan, Distt- Siwan.
4. KRISHNA DEVI W/o Jaishri Chaudhary R/o village- Chainpur Pashi Tola, P.S.- Siswan, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2023 Heard the parties.

After some arguments, learned counsel for the petitioners seek permission to withdraw this application as against petitioner nos.1, 2 and 3.

Permission is granted.

Accordingly, the instant application as against petitioner no.1, 2 and 3 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.4 only.

The petitioner apprehends her arrest in a case registered



for the offences punishable u/s 30 (a) of Bihar Excise Prohibition Act, 2016.

Altogether 100 liters of country made liquor is said to have been recovered from the house of accused persons. The allegation against the petitioner is that after seeing the police, she alongwith other co-accused persons fled away from the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. She has no concern either with the seized liquor or any trade of liquor. She has been falsely implicated in this case at the instance of her enemy. She was not apprehended on the spot and her name transpired in the case only on the basis of suspicion. It is submitted that the alleged liquor has been recovered outside the main gate of the petitioners house and she was not present at the place of occurrence. He further submits that the police has falsely implicated all the members of the family including the petitioner no.4 who is a lady. Petitioner has no criminal antecedent.

Petitioner no.4 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account



No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner no.4, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six 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 Court below, where the case is pending/Successor court, in connection with Siswan Chainpur (O.P) P.S. Case No.227 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of



anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the PM Cares fund.

(Anjani Kumar Sharan, J)

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