

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70280 of 2023

Arising Out of PS. Case No.-594 Year-2023 Thana- BARACHATTI District- Gaya

Sonmatiya Devi @ Sonamanti Devi W/O Binod Manjhi R/O Vill -
Nimitatand, Kahudag, P.S. - Barachatti

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Barachatty P.S. Case No. 594/2023 registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 8 litre country made Mahua Wine from the house of the petitioner. It is further alleged that chowkidar and villagers disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is a lady and she has nothing to do with the alleged occurrence. It is further submitted that the place from where the



alleged recovery was made was joint house of the petitioner. He further submits that petitioner was not present at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is quite innocent and has falsely been implicated in the present case due to inimical terms with the co-villagers. In the light of the above facts and circumstances of the case, no offence is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

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 being a lady having 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 Exclusive Special Excise Court No.-2, Gaya in connection with Barachatty P.S.



Case No. 594/2023, 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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