

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70141 of 2023

Arising Out of PS. Case No.-646 Year-2023 Thana- BODHGAYA District- Gaya

PRATIMA KUMARI W/o Vicky Kumar @ Ricky Kumar, D/o Birbal Yadav
R/o Village - Diranwa, Tola Chamari bigha, P.S. - Bodh Gaya (Cherki)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-11-2023 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 Bodh Gaya (Cherki) P.S. Case No. 646 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2022.
3. As per prosecution case, 60 litre mahua liquor was recovered from two motorcycles in question.
4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and her name has been transpired in the present case as owner of one motorcycle in question i.e. Honda Shine. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and she has falsely been implicated in this case. Petitioner bears



no criminal antecedent. He further submits that petitioner was not present at the place of occurrence and nothing has been recovered from her possession. Learned counsel further submits that petitioner being a lady her father has gifted the said motorcycle to her husband and she has no knowledge regarding the alleged occurrence. Petitioner has no concern with the alleged recovery. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the aforesaid sections.

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, keeping in view clean antecedent of petitioner, petitioner being a lady, 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 his 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 Judge, Excise Court No. 1, Gaya in connection with Bodh Gaya(Cherki) P.S. Case No. 646 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)

vashudha/-

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