

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70021 of 2023

Arising Out of PS. Case No.-443 Year-2023 Thana- KOILWAR District- Bhojpur

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Ramun Mushar D/o Late Ram Jiwan Mushar W/o Gama Mushar, Resident of
Village - Baburbani, Police Station - Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Koilwar P.S. Case No. 443 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 12 litre Mahua liquor from the husk house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is a lady. He further submits that there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence as the place where recovery was made does not belong to the petitioner. He further submits that



petitioner was not apprehended on the spot and she has no concern with the sized liquor. He further submits that no incriminating article was recovered from the possession of the petitioner. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further that there is no compliance of Section 100 of Cr.P.C. 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 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



Judge Excise, Excise Court – II, Bhojpur, Ara in connection with Koilwar P.S. Case No. 443 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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