

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68722 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Lilu Devi @ Lily Devi, wife of Ranjit Manjhi, Village- Hajipur Dhangawan
Ps- kako, Dist- Jehanabad At Present- Manpur Surya Pokhar Bhui toli, Ps-
Buniyadganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Shashank Shekhar, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Buniyadganj P.S. Case No. 89 of 2023, registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police on a secret information conducted raid
in the house of the accused persons. In course of search, ten
litres of desi mahua wine has been recovered from the house of
the petitioner.

4. It is submitted on behalf of the petitioner that from
the F.I.R., it is evident that the petitioner is not a permanent



resident of the said place. That apart, the house from where the alleged recovery has been shown, is a joint family house where several persons reside, but surprisingly leaving the name of other male members, her name has been implicated in this case. In fact, during the course of raid certain altercation has taken place between the petitioner and the police personnel which resulted into lodging of the present case. All the more, the petitioner is a lady, having fair antecedent. He lastly drew the attention of the Court to the seizure list and with reference thereto, he submits that there is no compliance of Section 100 of the Code of Criminal Procedure, moreover, the petitioner undertakes that she will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the recovery has been made from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint family house and the petitioner is not a permanent resident of the said place, coupled with the fair antecedent and the fact that the petitioner is a lady, let the petitioner above named be released on bail, in the event



of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise court no. I, Gaya in connection with Buniyadganj P.S. Case No. 89 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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