

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70205 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- RAJAON District- Banka

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Nirmala Devi, aged about 63 years (Male) wife of Chotelal Singh, resident of
Village- Phulwariya, P.S.- Sajour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Brij Nandan Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Pradeep Narain

Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajoun (Nawada) P.S. Case No. 257 of 2023 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 9 litres of Indian made
foreign liquor from a motorcycle bearing Registration No.
BR10AM3016 belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has



no concern with the alleged seized liquor. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, nothing has been recovered from the conscious possession of the petitioner. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four 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 Additional District & Sessions Judge-II, Banka, in connection with Rajoun (Nawada) P.S. Case No. 257 of 2023, subject to the condition as laid down under Section



438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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