

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71372 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- KHAJALI District- Madhubani

MANJU DEVI, aged about 45 years, Female, WIFE OF JITENDRA KUMAR SINGH RESIDENT OF VILLAGE- SELRA LASKARIYA, P.S. JAINAGER, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Manoj Kumar Pandey, learned counsel appearing on behalf of the petitioner and Mr. Rana Randhir Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Khajauli P.S. Case No. 104 of 2023 dated 01.06.2023 registered for the offence(s) punishable under Sections 272/273 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 26.4 litres of illicit liquor was recovered from the motorcycle of the petitioner, which was being driven by her husband.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been falsely implicated in this case. It is further submitted that no



incriminating article has been recovered from the conscious possession of the petitioner, rather the same has been recovered from the possession of her husband, while driving the said motorcycle, and since the said motorcycle is in the name of the petitioner, her name has sprung up in this case merely on the basis of suspicion. It is lastly submitted that the petitioner has clean antecedent.

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

6. Considering the nature of allegation and also the facts that petitioner has clean antecedent and recovery of illicit liquor has not been made from the conscious possession of the petitioner, rather the same has been made from the possession of her husband, 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 A.D.J. II-cum-Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No. 104



of 2023, subject to the conditions 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 and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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