

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71175 of 2023

Arising Out of PS. Case No.-290 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Basanti Devi, Wife Of Moti Ram, R/O Village- Sirsa Sidha, P.S.-
Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending her arrest in connection with Baikunthpur P.S. Case No. 290 of 2023, registered for the offences under Section 30 (a) of the Bihar Prohibition Excise Amendment Act, 2018.

3. As per prosecution case, police received information about petitioner selling illicit liquor besides a road. A raid was conducted and a woman fled away from the spot on seeing the police party. The Chaukidar identified the woman who was fled from the place of occurrence as the petitioner. A search was conducted at the spot and about 4 litres of country made liquor was recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. However, the recovery has been made, it is from an abandoned place. The name of the petitioner transpired in this case merely on saying of the Chaukidar, otherwise there is no cogent material against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been made from the conscious possession of the petitioner and also considering clean antecedent of the petitioner along with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj/court concerned in connection with Baikunthpur P.S. Case No. 290 of 2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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