

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75369 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- KHAJAULI District- Madhubani

Shobha Kumari @ Sobha Kumari Daughter Of Dinesh Sah @ Ghurghur Sah
Resident Of Village- Khajuali Bazar, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
	:	Mr. Gangadeo Yadav, Advocate
For the Opposite Party/s	:	Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Ravi Prakash, along with Mr. Gangadeo Yadav learned counsel appearing on behalf of the petitioner and Mr. Dr. Kumar Uday Pratap, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Khajauli P.S Case No. 166 of 2023 dated 22.08.2023 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegation is of recovery of 9.540 liters illicit foreign liquor from a house.

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 and the house from which 9.540 liters illicit foreign liquor was recovered. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has one criminal 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, the fact that petitioner has no concern with the house from which 9.540 liters illicit foreign liquor was recovered. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. 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 Sessions Judge-II-cum-

Special Judge, (Excise Act), Madhubani, in connection with Khajauli P.S Case No. 166 of 2023 dated 22.08.2023, 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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