

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72833 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- DALSINGHSARAI District- Samastipur

GURIYA DEVI Wife of Ashok Kumar Rai R/V- Keota, Ward no. 2, P.S-
Dalsingsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in short, is that on secret information, police party along with informant reached near R.B. College NH-28, where some persons are unloading the liquor from a Santro Car. After seeing the police party, accused persons started running and managed to escape taking the advantage of darkness and bush. Total 88.875 litres foreign liquor has been recovered from the place of occurrence and motorcycles.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. The whole prosecution story is false which has no concern with an iota of truth. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. Petitioner has been falsely implicated in this case at the instance of his enemy. She was not apprehended on the spot. It is further submitted that petitioner is owner of the motorcycle bearing Registration No. BR33AP-5629 and the said motorcycle was used by her husband. On 16.09.2021, said motorcycle was stolen from her cow shed. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six 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 Court below where the case is pending/successor Court in connection with Dalsingsarai P.S. Case No. 274 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in PM Cares fund.

(Anjani Kumar Sharan, J)

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