

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74192 of 2022

Arising Out of PS. Case No.-487 Year-2022 Thana- BHORE District- Gopalganj

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GULAICHEE DEVI W/o Amaresh Chaurasiya R/o Village- Barahi
Bagahawa, P.S.- Bhore, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends her arrest in connection
with Bhore P.S. Case No.487 of 2022 instituted under Section
30(a) 41(i) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police during
patrolling on secret information about selling of liquor in the
house, started checking and in course found a person trying to
escape, was apprehended who disclosed his name as Amresh
Chaurasiya. He gave the name of the accused who escaped as
this petitioner, his wife and further on search 10 liters Bunt
Babli countrymade wine was/were recovered/seized.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that



petitioner is house wife and the petitioner's husband is doing the business of selling and purchasing the rice wheat and is not doing the business of of illicit liquor.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account that the petition is a lady, do not have criminal antecedent, the allegation is against her husband, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Bhore P.S. Case No.487 of 2022 to the satisfaction of learned Additional District & Sessions Judge, Ind cum Special Judge, Excise Court No.I, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner will make herself available to the



police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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