

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1556 of 2023

Arising Out of PS. Case No.-185 Year-2021 Thana- NIRMALI District- Supaul

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MAMPI BEGUM W/O Saidul Islam R/O Village- Dagmara, Ward No- 1,
P.O- Dagmara, Anchal- Nirmali, District- Supaul- 847451, Bihar. At present
residing at Belakoba, Sikarpur, Pradhan Para, Jalpaiguri, P.S and District-
Jalpaiguri (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection
with Nirmali P.S. Case no. 185 of 2021 for the offence
registered under Section 30(A) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per the prosecution story, the police during
patrolling duty intercepted a pick up van loaded with cotton. As
the driver escaped, the pick up van was searched and 954 litres
of liquor was/were recovered/seized. Accordingly, the FIR was
lodged.

Learned counsel for the petitioner submits that the
petitioner is a lady, owner of the vehicle, same was used by the



driver for carrier purposes and had little knowledge of the illegal activities, he was doing.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submits that being the owner, the petitioner cannot escape from responsibility.

Considering the fact that the petitioner is a lady, do not have criminal antecedent, she is the owner, the FIR was lodged and ultimately she will have to face the trial, this Court is inclined to extend her privilege of anticipatory bail.

If however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 2, Supaul in connection with Nirmali P.S. Case No. 185 of 2021 subject to condition 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 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;

(iii) 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;

(iv) 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;

(v) the petitioner shall co-operate in the investigation and made herself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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