

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79841 of 2023

Arising Out of PS. Case No.-144 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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JANKI DEVI S/O RAJ KUMAR MAHTO R/O VILLAGE- NONIYA TOLI
SUBHASH CHOWK, WARD NO. 15, P.S- TOWN, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and 30(a) & 41 of the Bihar Prohibition & Excise Act.

3. Altogether 9 litres of illicit liquor has been recovered from the seized motorcycle. Some of the accused persons were apprehended on the spot. Petitioner is the owner of the alleged motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious



physical possession of the petitioner. She has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is general and omnibus in nature. She was not apprehended on the spot. She had not consumed liquor. Her name has been transpired in the present case merely because she is the registered owner of the seized motorcycle. The real fact is that she gave the said motorcycle to co-accused Bharat Mahto for his personal work. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. 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 Town P.S. Case No. 144 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.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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