

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1973 of 2023

Arising Out of PS. Case No.-405 Year-2021 Thana- PURNEA SADAR District- Purnia

Kajuli Dasi @ Kajli Dasi @ Kajuli Devi Wife Of Palim Sarkar @ Dalim
Sarkar R/O Village- K. Nagar Chauk, P.S.- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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 is apprehending arrest in connection
with Sadar Purnea P.S. Case No. 405 of 2021 under section
30(a)/36 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecutions story, the police intercepted a
motorcycle and apprehended two persons namely Mannu
Kumar Yadav and Ajay Yadav and recovered 10.5 litres of
foreign liquor. Accordingly, the liquor as also the motorcycle
were seized.

Learned counsel for the petitioner submits that it is
fact that the motorcycle belongs to the lady, actually it was sold
to Ajay Yadav who was apprehended at the spot alongwith 10.5
liters of foreign liquor and an agreement to this effect for the



2018 was already there (Annexure-2). However, Ajay Yadav did not get the said vehicle transferred in his name and as such the lady was dragged in the present case.

Learned APP on the other hand opposes the prayer for anticipatory bail but concedes that as per the document on record, the motorcycle was sold in 2018 itself.

Considering the aforesaid fact that the petitioner is a lady, she do not have criminal antecedent, the FIR has been lodged and she will be facing the trial, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail, in the event of her arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.1, Purnea, in connection with Sadar Purnea P.S. Case No. 405 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

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

(ii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(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 appear before the concerned police station every fortnight for next six months to mark her attendance;

(v) 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;

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

(Rajiv Roy, J)

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