

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9547 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

Rinku Devi W/O Dilip Manjhi R/o Village- Khiriyawan, Ps. Magadh Medical,
Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav,Advocate
For the Opposite Party/s : Mr.Yogendra Kumar,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Sunil Kumar Yadav, learned counsel for the

petitioner and Mr.Yogendra Kumar,learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Magadh Medical P.S.Case No.202 of 2023,FIR
dated 20.04.2023 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

3. Recovery is of 05 liters of counter made Mahua
Liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case. Further submits that from a bare



perusal of the FIR it appears that nothing has been recovered from the conscious possession of the petitioner and alleged 05 liter of counter made liquor was recovered from the house of the petitioner and petitioner has no concern at all with the alleged recovery of illicit liquor. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This Court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav Vs. State of Bihar** reported in **2019 (2) PLJR 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of Counsel for the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent, nothing has been recovered from conscious



possession of the petitioner, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge No.-IV, Gaya in connection with Magadh Medical P.S.Case No.202 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

