

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10214 of 2024

Arising Out of PS. Case No.-359 Year-2023 Thana- NAVINAGAR District- Aurangabad

Sri Devi W/o Sushil Rai R/o New Nagar Majhiyawan, P.S. - Badem O.P.,
Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in connection with Nabinagar P.S. Case No. 359 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 09.09.2023 by the informant, Nageshwar Prasad.

3. As per the prosecution story, the police upon secret information, raided the house of the petitioner and recovered/seized 5 litres of 'mahua'. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the recovery is from the house of the petitioner which is a joint property, nothing has been recovered from her conscious possession and she do not have criminal antecedent.



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

6. Considering the aforesaid submissions made by the parties as also that she do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

7. 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 Court of Special Judge, Excise Court No.-01, Aurangabad in connection with Navinagar P.S. Case No. 359 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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.

(Rajiv Roy, J)

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