

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19738 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- RAHUI District- Nalanda

Usha Devi wife of Late Babulal Chaudhary Village- sherpur PS- Rahui
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2024 1. 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 Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a woman and
allegation is of recovery of 30 liters of liquor from a place near
the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from her conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner
and she came to be implicated at the instance of the *Chowkidar*
based on suspicion for the reason that the recovery was from a
place which is adjacent to her house. It is also submitted that in



majority of the case, the police is implicating innocent persons either at the instance of *Chowkidar* or local people but then if the Chowkidar was aware that the liquor belonged to the petitioner then why he did not inform the police earlier to institution of the FIR, which casts as aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rahui P.S. Case No. 35 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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