

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26930 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- RUDRAPUR District- Madhubani

Kusum Devi, Wife Of Sanjay Paswan Resident Of Village- Mahrail, Ps-
Rudrapur, Dist- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Vinod Kumar
		Mr. Rajesh Kumar
		Mr. Ravi Prakash
For the Opposite Party/s :		Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of her
arrest in a case registered for the offences punishable under
Sections 272 and 273 of the I.P.C. and Section 30(a) of the
Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and is a woman and
allegation is of recovery of 09 litres of liquor kept concealed in
pile of Straw near the house of the petitioner and 08 litres of
liquor was recovered from a pile of straw hidden near the house
of one Kapil Mandal.



4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and she came to be implicated at the instance of Chaukidar with whom she is on an inimical term. It is next submitted that if Chaukidar was aware of the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which cast an aspersion on the case of the prosecution. It is also submitted that once a person gets implicated in a case relating to excise, thereafter the police in mechanical manner implicates.

5. Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Rudrapur P. S. Case No.149 of 2023, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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