

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32000 of 2024

Arising Out of PS. Case No.-84 Year-2021 Thana- MADHWAPUR District- Madhubani

Safina Khatoon W/O Haidar Ali R/O Village- Hanuman Nagar, P.S- Sursand
Ward No. 1, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending **her** arrest in connection with G.R. No. 1076 of 2021 arising out of Madhwapur P.S. Case No. 84 of 2021 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 49.500 litre illicit liquor was recovered from Glamour motorcycle bearing registration no. BR06AL-0178 which was being driven by the co-accused Ajay Mukhiya and he was apprehended on the spot. Further, 44.760 litre illicit liquor was also recovered from Glamour motorcycle bearing registration no. BR32T0394 which was



being driven by co-accused Bharat Kumar Sha and he was also apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, the name of the petitioner has been transpired in this case as owner of the Glamour motorcycle bearing registration no. BR32T0394. He further submits that the Glamour motorcycle bearing registration no. BR32T0394 has been taken by co-accused by in a friendly gesture and he has misused the said motorcycle by carrying illicit liquor. He further submits that petitioner was not present at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and she has falsely been implicated in this case. Petitioner being a lady, having no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, petitioner is a lady and she was not present at the place of occurrence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II – cum – Special Judge, Exise Act, Madhubani in connection with G.R. No. 1076 of 2021 arising out of Madhwapur P.S. Case No. 84 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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