

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33310 of 2024

Arising Out of PS. Case No.-512 Year-2023 Thana- TRIVENIGANJ District- Supaul

Sunita Devi Wife of Amir Lal Sardar Resident of Village- Bajitpur, Police
Station- Triveniganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Triveniganj P.S. Case No. 512 of 2023 for the offence registered under sections 30(a) and 45 of the Bihar Prohibition and Excise Act lodged on 31.12.2023 by the informant, Arun Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information that Sita Devi is selling country made liquor, raided the house and there was recovery of 10 litres country made liquor. However, it was informed that the *chowkidar* who gave the information, he is being thrashed by the accused persons which included this petitioner. On sight of the police, they escaped. This followed the F.I.R.



4. Learned Counsel for the petitioner submits that the recovery/seizure is from the house of Sita Devi and only because she is the local villager/neighbour, the *chowkidar* with ulterior motive has named her. Learned Counsel however concedes that the lady has criminal antecedent under section 30(a) of the Bihar Prohibition and Excise Act.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 2,000/- on her own to the Chief Minister's Relief Fund.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they tried to assault the *chowkidar* who had given information about the illicit liquor.

7. Taking into account the fact that the petitioner is a lady, the recovery is not from her house, this Court is inclined to extend her privilege of anticipatory bail subject to payment of Rs. 2,000/-, as stated above.

8. 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 Special Judge Excise-I, Supaul in connection with Triveniganj P.S. Case No. 512 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 members/relatives of the petitioner, who shall provide official document to show his *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 his 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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