

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35370 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- TEKARI District- Gaya

Vimala Kumari D/O- Ram Pravesh Paswan Village- Makhdumpur P.S.- Tekari
Dist- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.1, Adv

For the Opposite Party/s : Mr. Md.Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-06-2024 Let the supplementary affidavit be taken on the record.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner in this case is seeking pre-arrest bail in
connection with Tekari (Panchanpur O.P.) P.S. Case No. 679 of
2023 registered for the offences punishable under Sections 30(a)
of the Bihar Prohibition and Excise Amendment Act, 2018. He has
got no criminal antecedent.

4. As per the prosecution story, on 13.11.2023 at about
10.30 p.m, the informant received a secret information that one
person is carrying illicit country-made liquor towards Goh. When
the informant along with other police personnel reached at the
place of occurrence, one person on black motorcycle tried to flee
away but he fell down and managed to escape leaving his
motorcycle. From the said motorcycle, 20 litres of country-made
liquor was seized and, accordingly, the seizure list was prepared.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the motorcycle was given to one Srikant Kumar. It is further submitted that the husband of the petitioner had purchased the motorcycle for family use and the petitioner had no knowledge about the motorcycle being used for illegal purposes.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the submission based on the statements in paragraph '5' of the supplementary affidavit wherein it is stated that the motorcycle in question was given to one Srikant Kumar, Son of Rajnandan Das @ Bihari Das, Resident of Village—Konch, Police Station—Konch, District- Gaya who happened to be neighbour of *naihar* of the petitioner, the petitioner had no knowledge about the illegal use of the motorcycle and she is a simple village lady and her husband had purchased the motorcycle only for use of the same by the family, this Court directs that in case of her arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Tekari (Panchanpur O.P.) P.S. Case No. 679 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.02,



Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Let a copy of this order be sent to the Office of the Superintendent of Police, Gaya which will be sent to the I.O. of the case for verification of the person named in the affidavit and use in course of investigation.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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