

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35170 of 2024

Arising Out of PS. Case No.-729 Year-2022 Thana- GARKHA District- Saran

Gyanti Devi, Wife of Manoj Kumar Chaudhary, Resident of Sargatti, P.S.-
Garkha, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Garkha P.S. Case No. 729 of 2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. She has got no criminal antecedent.

3. As per the prosecution story, on 20.11.2022, the informant along with three police personnel was on patrolling duty when he got a secret information that the petitioner and her husband are selling country made liquor in her house. When the informant reached at the place of occurrence at about 05:05 P.M., he saw two persons fleeing. On search, thirty litres of country made liquor was recovered from the back of the house of the petitioner, and, accordingly, a seizure list was prepared.



The *chaukidar* disclosed the name of the two persons as Manoj Kumar Chaudhary (husband of the petitioner) and Gyanti Devi (the petitioner).

4. Learned counsel for the petitioner submits that the liquor has been recovered from a place adjacent to the house of the petitioner which cannot be said to be in conscious possession of the petitioner.

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

6. Having regard to the submission that 30 litres of country made liquor has been recovered from a place adjacent (behind) to the house of the petitioner which cannot be said to be in conscious possession of the petitioner and that the petitioner has got no criminal antecedent, 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 Garkha P.S. Case No. 729 of 2022 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 Additional District and Sessions Judge-Second-cum-Special Judge, Excise 01st, Saran, Chapra subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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