

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35653 of 2024

Arising Out of PS. Case No.-55 Year-2020 Thana- DIDARGANJ District- Patna

Sunita Devi W/o Janardan Singh R/o vill - Dumari Bujurg, P.S. - Nayagaon,
Distt. - Saran at present residing of vill - Sheikhpura, P.S. - Gaurichak, Distt. -
patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rabindra Kumar, Advocate

For the Opposite Party : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Didarganj P.S. Case No. 55 of 2020, registered on 06.03.2020 for the offences under Sections 30(a)/36 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during checking of vehicles, Police found a person carrying two sacks in black coloured tempo, who fled away on seeing the Police party. From the search of two sacks, recovery of 57 litres of country-made liquor was made. The petitioner is stated to be the owner of the said tempo.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was the owner of the tempo, in question, but she sold out the same on 22.11.2018 to one Prem Kumar Sah and the date of occurrence is dated 06.03.2020. So on the relevant date, the petitioner has no concern with the said vehicle. Learned counsel further submits that moreover, the petitioner has suffered paralytic attack and he is confined to the bed. Nothing incriminating has been recovered from the conscious possession of this petitioner and as the registration has not been transferred in the name of subsequent purchaser, the petitioner has been made accused in this case as the owner-book remained in her name. Learned counsel further submits that there is no case of the prosecution that the petitioner was on the tempo or was carrying the liquor. The petitioner has got clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material showing involvement of the petitioner and further considering the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount to the satisfaction of Special Excise Judge, Excise, Patna City/concerned court in connection with Didarganj P.S. Case No. 55 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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