

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35666 of 2024

Arising Out of PS. Case No.-123 Year-2021 Thana- GUTHANI District- Siwan

Neetu Devi W/O ANIL YADAV @ ANIL KUMAR YADAV resident of
village- Tatil, P.S.- Salempur, DIST- DEORIA (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-07-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends her arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman.
4. Allegation is of recovery of 72 litres of liquor from a
motorcycle.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from her conscious possession and she came to be
implicated based on the fact that she is owner of the seized
motorcycle. It is further submitted that no prudent person would use
his own vehicle for committing an occurrence and thus would create
evidence against herself and hence would get implicated. It is next



submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the informant saw a woman fleeing from the place of occurrence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Guthani P.S. Case No. 123 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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