

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36470 of 2024**

Arising Out of PS. Case No.-145 Year-2024 Thana- Excise P.S. District- Aurangabad

Usha Kumari, D/O Om Prakash Paswan, R/O Vill.- Achuki, Angara, P.S.-  
Anti, Dist.- Gaya(Bihar), at Present wife of Basant Kumar, R/O Vill.- Noaon,  
Ward no. 08, P.S.- Obra, Dist.- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mrs. Leelawati, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      06-06-2024                      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 Daudnagar Excise P.S. Case No. 145 of 2024 registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise (Amendment) Act. She has got no criminal antecedent.

3. As per the prosecution story, the informant during his patrolling duty intercepted a motorcycle with three persons, namely, Chhotu Kumar, Sushil Kumar and Manjay Kumar and on search of the said motorcycle, five liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that the petitioner has been named in the FIR only because she happens to be the registered owner of the motorcycle. It is further submitted that when the said motorcycle was intercepted by police, the petitioner was not present on the motorcycle.

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

6. Having regard to the submission that the petitioner has been named in the FIR only because she happened to be the registered owner of the motorcycle, as per FIR, three persons were present on the motorcycle when it was intercepted by police, the petitioner was not present with them, she is carrying a pregnancy of seven months and has otherwise no criminal antecedent, this Court directs that in case of her arrest or surrender within a period of twelve weeks from today, the petitioner above named be released on bail in connection with Daudnagar Excise P.S. Case No. 145 of 2024 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 Special Judge, Excise 2<sup>nd</sup>, Aurangabad, 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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