

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37263 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- DEV District- Aurangabad

Shobha Devi @ Shobha Kumari W/o Arvind Kumar R/o Village- Kathwar
Tola, Bangla Par, P.S- Madanpur, Distt.- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Leelawati, Advocate
For the Opposite Party : 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 Deo P.S. Case No. 96 of 2024 registered for the offences punishable under Section 30(a) 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 bearing Registration No. BR26X7847 along with one person, namely, Arvind Kumar (husband of the petitioner) and on search of the said motorcycle, 105 liters of illicit country-made *mahua* 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 vehicle. 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 happens to be the registered owner of the vehicle, the husband of the petitioner has already been arrested on the motorcycle in connection with this case, the petitioner has otherwise 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 be released on bail in connection with Deo P.S. Case No. 96 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 Court No. 1st, 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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