

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38608 of 2024

Arising Out of PS. Case No.-534 Year-2023 Thana- PIRO District- Bhojpur

Guljaro Devi, Wife of Late Kadhelu Mushar, R/O Village-Dechana Bal
Mushari, Police Station-Piro, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Piro P.S. Case No. 534 of 2023 for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner and co-accused Ajay Mushar taking out country made *Mahua* liquor for sale. A raid was conducted. However, on seeing the police vehicle, a male and a female fled away from the spot leaving behind two containers. From the containers, total 30 liters of country made *Mahua* liquor was sized. Further 1000 liters of liquor which was concealed at different places in the ground was also destroyed.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The recovery has been shown from an open place and the petitioner has no concern either with the place or the seized liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in one more case of similar nature just before lodging of the present case and due to the said incident, she has been made accused in the present case as well.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and whatever recovery is there is shown from an open place and further considering the possibility of false implication, let the petitioner above named in the event of her 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 each to the satisfaction of learned Exclusive Special Judge-II, Bhojpur at



Ara, in connection with Piro P.S. Case No. 534 of 2023, subject to the condition 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 below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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