

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38422 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- RAXAUL District- East Champaran

Rupa Devi Wife of Raju Singh, Resident of Village - Nepali Station, P.S. -
Raxaul (Haraiya O.P), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner and Mr. Khurshid Anwar, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in

connection with Raxaul (Haraiya OP) PS Case No. 98 of 2024,

FIR dated 22.03.2024, registered for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 12 litres of country made liquor.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case. He

further submits that according to the FIR and seizure list nothing

has been recovered from the conscious possession of the

petitioner, rather the recovery has been made from behind the

house of the petitioner on the basis of disclosure made by local



villagers.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. He also submits that petitioner is named in the FIR and apart from that the petitioner carries one criminal antecedent of similar nature, however, he fairly admits that petitioner is on bail in the pending matter.

6. This Court is aware of the decision of the full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from conscious possession of the petitioner, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court within a period of thirty days from the date of receipt of the



order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran, where the case is pending in connection with **Raxaul (Haraiya OP) PS Case No. 98 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take steps 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.

(Rajesh Kumar Verma, J)

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