

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39875 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- KALYANPUR District- Samastipur

Kiran Devi WIFE OF JOGINDRA SAHNI VILLAGE- BHAGIRATHPUR,
PS- KALYANPUR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in connection with Kalyanpur P.S. Case No. 76 of 2024 for the offence registered under sections 30(a), 41(2)(i), 33 and 36 of the Bihar Prohibition and Excise Act lodged on 22.03.2024 by the informant, Vinod Yadav.

3. As per the prosecution story, the informant upon secret information, raided the house of the petitioner and recovered/seized 1.5 litres spirit, 1 litre chemical, empty bottle, stickers as also cap of bottles. The locals gave the name of the accused who escaped and this petitioner. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that it is a joint house, she do not have any role to play in the alleged



recovery and further do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that when the police went to the house, she escaped.

6. Taking into account the fact that the petitioner is a lady, recovery is from an open place, she do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1, Samastipur in connection with Kalyanpur P.S. Case No. 76 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail



bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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