

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40830 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- KORHA District- Katihar

Munni Devi Wife of Late Shiva Hembram Resident of Village - Srikaul
(Santhali Tola), P.S.- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Korha P.S. Case No. 72 of 2024 for the offence under Section 30(a) of the Bihar Prohibition & Excise Act lodged on 21.03.2024 by the informant, Alok Rai.

3. As per the prosecution story, the police during patrolling and on secret information raided the place. Both the petitioner and her son escaped and there is recovery/seizure of 180 liters country-made wine as also a gas cylinder beside the burners, regulators and other materials used for manufacturing the country-made *mahua*.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure if from a place in the house which do not have either the door and the window and as they



were not present in the house, the police managed to place the same and implicate them, only because they have issue with the local chowkidar. The last submission is that the petitioner do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery is from the house.

6. Taking into account the aforesaid submission as also that she do not have criminal antecedent and is a lady, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Excise) – 2, Katihar in connection with Korha P.S. Case No. 72 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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