

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42898 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- SANDESH District- Bhojpur

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1. Nirmala Devi W/o Manoj Chaudhary R/o Village-Kori, P.S.-Sandesh, District- Bhojpur
 2. Manoj Chaudhary @ Dadipa S/o Bali Chaudhary R/o Village-Kori, P.S.- Sandesh, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-07-2024 Learned counsel for the petitioners seeks permission to withdraw the application with regard to petitioner no.2, namely, Manoj Chaudhary @ Dadipa as petitioner no.2 has already been arrested.

2. Permission is accorded.

3. The petition with respect to petitioner no.2, namely, Manoj Chaudhary @ Dadipa is, accordingly, dismissed as withdrawn.

4. Heard learned counsel for petitioner no.1 and learned A.P.P. for the State.

5. Petitioner no.1, namely, Nirmala Devi apprehends her arrest in connection with Sandesh P.S. Case



No.106 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act.

6. As per prosecution case, on secret information that two persons are selling liquor near their house, the police reached there and on seeing the police, two accused persons (one male and one female) managed to flee away. On search made by police, 20 litres country made liquor was recovered from the plastic gallon.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. Petitioner no.1 is a lady and nothing has been recovered from her possession. The recovery has been made from a lane which is open place and is accessible by any person. Except secret information, there is no material against the petitioner. The petitioner has no criminal antecedent and she undertakes to cooperate in the investigation and the trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six



weeks from today, petitioner no.1, namely, Nirmala Devi be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge II, Bhojpur at Ara in connection with Sandesh P.S. Case No.106 of 2024 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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