

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46031 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- SIMRAHA District- Araria

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Rekha Devi Wife of Surendra Das R/O VILL.- MIRZAPUR KOTHI, WARD
NO. 11, P.S.- SIMRAHA, DIST.- ARARIA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioner is apprehending her arrest in connection with Forbesganj (Simraha) P.S. Case No. 13 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition & Excise Act 2016 lodged on 16.04.2024 by the informant, Anand Kumar Tiwary.

3. As per the prosecution story, the informant alleged that upon secret information, the house of Surendra Das was raided, the couple disappeared and upon search, 36 bottles each 100 ml codeine cough syrup recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from a joint house, the petitioner is a lady, having no criminal antecedent.



5. Learned APP opposes the prayer submitting that 3.6 liters cough syrup have been recovered from the house.

6. Taking into account the fact that the recovery is from a joint house, the petitioner is a lady and do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Araria, in connection with Forbesganj (Simraha) P.S. Case No. 13 of 2024. subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(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 her bail bonds.

(Rajiv Roy, J)

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