

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42558 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- SUKHANI District- Kishanganj

Geeta Devi Wife of Rajesh Sah R/O Vill.- Kodagaon, P.S.- Sukhani, Dist.-
Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending her arrest in connection with Special Case No. 66 of 2024 arising out of Sukhani P.S. Case No. 12 of 2024, registered on 15.03.2024, for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about the petitioner keeping illicit liquor adjacent to her shop for selling it. A raid was conducted at the identified place and on seeing the police vehicle, the petitioner fled away from her shop. On search, a green colour sack was found concealed in a pile of sand adjacent to the shop of the petitioner and from the said sack, recovery of 18 liters of *Nepali* country made liquor



was made.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the persons of possession of the petitioner. Moreover, recovery has been shown from a pile of sand kept near the shop of the petitioner and the petitioner could not be made accused for recovery from an open place which is accessible to all. Learned counsel further submits that the petitioner has been made accused in six cases of similar nature but in all the cases, she has been granted bail as her implication was in similar manner.

05. Learned APP for the State opposes the prayer for anticipatory bail submitting that the petitioner is a habitual offender.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and the recovery is from an open place, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge (Excise-1),



Kishanganj in connection with Special Case No. 66 of 2024 arising out of Sukhani P.S. Case No. 12 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be the husband of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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