

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43675 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- PUNPUN District- Patna

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Tuniya Devi Late Guru Manjhi @ Bhuru Manjhi R/O Village-Nawk,P.S.-
Punpun(Kewara O.P.),Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner, learned A.P.P.

for the State .

2. The petitioner seeks anticipatory bail in connection with Punpun (Kewara O.P) P.S. Case No. 93/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act 2018.

3. As per prosecution case, 15 liters of country made wine was recovered from the south-west corner of partly constructed house which was located in the east direction of the petitioner's house .

4. Learned counsel for the petitioner submits that the alleged recovery has been made from partly constructed open house and the said house is a joint house and petitioner is not sole owner of the said house. She cannot be held liable for the alleged



recovery. Petitioner bears no criminal antecedent. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from her possession or from her house. In the light of aforesaid facts and circumstances of the case no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, petitioner being a lady having no criminal antecedent, argument advanced on behalf of the both sides as well as material available on record, in the event of surrender or arrest before the concerned court within six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Learned Special Excise Judge-II, Patna in connection with Punpun (Kewara O.P.) P.S. Case No. 93/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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