

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44341 of 2024

Arising Out of PS. Case No.-394 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Bina Devi W/o- Umesh Prasad R/o- Sipara Dih, P.O.- Dhelwan, P.S.- Beur,
Distt.- Patna, Bihar, 800020

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kunal, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Excise P.S. Case No. 394 of 2020, registered on 04.10.2020 for the offences under Sections 30 (a) and 56 (b) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, the allegation against the petitioner is that the recovery of 20 litres of beer was made from the motorcycle of the petitioner driven by the co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner has sold the motorcycle to one Raj Kumar on



17.07.2017 and thereafter, she has no concern with the said motorcycle. Moreover, from the facts of the case it is apparent that the allegation of committing offence under Excise Act is against the apprehended co-accused persons and no case is made out against the petitioner. Nothing incriminating has been recovered from the person or possession of the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to connect the petitioner with the offence as alleged, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge No-3 Gaya/concerned court in connection with Excise P.S. Case No.394 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative 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)

DKS/Durgesh

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