

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49901 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- CHENARI District- Rohtas

Sandhya Kumari Daughter of Satendra Pal Resident of Vill- Saleya Tola, P.S.-
Akorhigola, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with G.R. No. 176 of 2024 arising out of Chenari P.S. Case No. 36 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018/2022.

3. As per prosecution case, 750 ml foreign liquor was recovered from the dickey of the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, name of the petitioner has been transpired in this case as an owner of the said motorcycle from where the alleged recovery has been made. Petitioner is innocent and has



committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner has not knowledge regarding the alleged recovery. He further submits that the entire prosecution story is based upon conjecture and surmises as petitioner was not found at the place of occurrence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of 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 Exclusive Special



Judge, Excise Court No. 1, Rohtas at Sasaram in connection with G.R. No. 176 of 2024 arising out of Chenari P.S. Case No. 36 of 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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