

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52702 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- DHANGAI District- Bhojpur

Gudiya Devi Wife Of Narayan Singh @ Bhukhan @ Lalit Narayan Singh
R/O- Village- Shivpur, P.S.- Dhangai, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
Ms. Priya, Advocate
For the State : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Prabhat Kumar Singh, learned counsel
for the petitioner and Mr. Narsingh Tanti, learned APP for the
State.

2. The petitioner apprehends her arrest in connection
with Dhangai P.S. Case No. 44 of 2024 dated 07.06.2024
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel appearing for the petitioner submits
that the instant matter relates to recovery of 70 litres of illegal
Mahua wine which is not recovered from the conscious
possession of the petitioner rather the same has been recovered
from a lane (*gali*) which is an open place and accessible to
everyone. Learned counsel further submits that the name of this



petitioner has come in this case mainly on the basis of disclosure made by the local *Chowkidar* and the said local *Chowkidar* is at inimical term with the petitioner and due to this reason, he has been falsely implicated in this case. Learned counsel further submits that during seizure of the alleged recovered wine, the compliance of Section 100 of Cr.P.C has not been made. Learned counsel further submits that the petitioner is a lady and has got no criminal antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the submissions noted hereinabove and mainly the facts that as per the prosecution story appearing from the FIR, the alleged seized wine is said to have been recovered from a public lane (*gali*) in which the petitioner's house is also situated and the same can be deemed to be an open place which was accessible to everyone at the time of recovery and further, the petitioner has got no criminal antecedent in view of the statement made in paragraph '3' of the petition, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of her arrest or surrender before the learned Court below 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 the Court concerned in connection
with Dhangai P.S. Case No. 44 of 2024, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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