

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57180 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- NAVINAGAR District- Aurangabad

Sunita Devi W/o Bablu Kumar R/o vill - Chando, P.S. - Chainpur, Distt. -
Palamu Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sagar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-09-2024 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 Nabinagar P.S. Case No. 345 of 2023 registered for the alleged offences under Section 30(a) (c) of the Bihar Prohibition and Excise Act, 2018.

03. As per prosecution case, police received secret information about assembly of some miscreants who were involved in the manufacture of country made liquor and carrying the same on a tempo. A raid was conducted and the tempo was intercepted and co-accused Ankit Kumar was apprehended. From the search of the tempo apart from the implements of manufacture of illicit liquor, 20 litres of country made mahua chulai liquor was also recovered. The petitioner is said to be owner of the tempo.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from her possession. Petitioner has already sold his tempo for an amount of Rs. 48,000/- to one Law Kumar Singh in the year 2018 and a written agreement was made between the buyer and seller on 06.02.2018. Learned counsel further submits that as the ownership was not transferred in the registration certificate, the petitioner has been made accused in this case. Hence, no offence under excise act is made out against the petitioner. Petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact of sell of the seized tempo prior to the occurrence and also considering the possibility of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court-1, Aurangabad in



connection with Nabinagar P.S. Case No. 345 of 2023, 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 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)

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