

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59013 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- HARSIDHI District- East Champaran

Gita Devi @ Rita Devi, Wife of Suresh Sah R/V-illage-Bishunpura Toli, P.S.-
Harsidhi, District-East Champaran, Motihari,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-08-2024 1.Heard learned counsel for the petitioner and learned APP for the State.
- 2.The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
- 3.The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 02 litres of liquor from the possession of Dukhi Sah.
- 4.The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and she came to be



implicated based on confessional statement of Dukhi Sah in police custody, which does not have any evidentiary value. It is also submitted that petitioner, being wife of Dukhi Sah, was implicated at the instance of police as he has antecedent of one case under the Excise Act. It is also submitted that no husband would implicate his own wife until pressurized.

5.Learned A.P.P. opposes the anticipatory bail application.

6.Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Court No.1, East Champaran, Motihari in connection with Harsidhi P. S. Case No.95 of 2024, subject to the conditions laid down under Section 438(2) of the



Cr.P.C.

7.The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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