

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62748 of 2024

Arising Out of PS. Case No.-686 Year-2023 Thana- NAWADA District- Nawada

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Gauri Devi, Wife Of Dharmveer Manjhi, R/O Village- Mirjapur Musahari,
P.S-. Town, District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Nawada P.S. Case No. 686 of 2023 for the offences under Sections 30 (a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, in an anti liquor drive, the police conducted a raid in the houses of co-accused persons and in vicinity as well. About 500 liters of raw material for manufacturing the liquor was seized and destroyed. From the houses of the co-accused persons, recovery of 16 liters of country made *Mahua* liquor was made. Allegation against the petitioner is that from an open place in front of kitchen of the petitioner, 6 liters of country made *Mahua* liquor was recovered.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The recovery has not been made from the house of the petitioner. From the FIR, it is clear that the said recovery has been made from the open place in front of the house of the petitioner. The petitioner could not be fastened with the liability of the recovery of liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner. The owner of the house, in front of which recovery has been made, is stated to be the husband of this petitioner. From the facts of the case, it is apparent that no offence under the Excise Act is made out against the petitioner. The petitioner is a lady and is having antecedent of one case of similar nature in which she is on bail.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is a lady and further considering the fact that no recovery has been shown from the conscious possession of this petitioner and also considering the possibility of false implication, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Nawada, in connection with Nawada P.S. Case No. 686 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 below, if so required by the learned trial court.

V.K.Pandey/-

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(Arun Kumar Jha, J)

