

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61707 of 2024

Arising Out of PS. Case No.-514 Year-2023 Thana- Excise P.S. District- Rohtas

Sarita Kumari Wife of Raj Kumar Resident of Village -Kharari, P.S.- Nokha
District -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Kumar, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with Excise P.S. (Rohtas) Case No. 514 of 2023 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
8.280 litres of illicit foreign liquor from the motorcycle bearing
Regd. No. BR24AH8373.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against her and has falsely been implicated in the present case.
The petitioner is the lady. He submits that nothing incriminating



has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner is the owner of the motorcycle, in question. Learned counsel for the petitioner submits that the arrested co-accused Sandeep Kumar is the friend of the husband of the petitioner and, on request, the petitioner's husband had given the alleged motorcycle to co-accused Sandeep Kumar. The petitioner and her husband had no knowledge about the illegal business of co-accused Sandeep Kumar. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Sandeep Kumar has been granted regular bail by this Court vide order dated 21.02.2024 passed in Cr. Misc. No. 10517 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also the petitioner being



lady, let the petitioner above-named, 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 bonds of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of the learned
court below where the case is pending/successor court in
connection with Excise P.S. (Rohtas) Case No. 514 of 2023,
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

(Rudra Prakash Mishra, J)

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