

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60909 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- HARLAKHI District- Madhubani

Gita Devi W/o Hriday Yadav Resident of mohalla - Sahani umgaon, P.S -
Harlakhi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in connection with Harlakhi P.S. Case No. 84 of 2024 for the offence registered under sections 20, 22 of the N.D.P.S. Act and Section 272, 273 and 34 of the IPC lodged on 02.04.2024 by the informant L. Singfo.

3. As per the prosecution story, the informant alleged that they found some ladies coming from the Nepal side with certain sacks on their respective head. As they were intercepted, the allegation is that they threw the sack and escaped to Nepal and later resorted to brick batting. Another confidential information got that one Manoj Sahni has stacked liquor whereafter, it was raided and there is allegation that on search



from the house, there is recovery of 827 bottles of country made *Nepali liquor* of 300ml each and 450 gm of *ganja*. Further 546 bottles of country made Nepali liquor from Sahni Mohalla and the involvement of the host of accused persons have come, the petitioner being one of them. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that so far as the recovery/seizure is concerned, it is from the house of Manoj Sahni, the other recovery is from Sahni Mohalla and 11 persons have been named on the basis of secret information, the petitioner being one of them which in no way can be attributed to any recovery/seizure.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid facts that the petitioner is a lady, do not have criminal antecedent, the recovery/seizure is from the house of Manoj Sahni, this Court is inclined to grant her the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Sessions



Judge, Madhubani in connection with Harlakhi P.S. Case No. 84 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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