

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61947 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- BAJPATI District- Sitamarhi

Khaitun Nisha @ Nisha Katun @ Nisha Khatoon Wife of Mustafa Resident of
Village- Muraul, Ward No. 01, P. S. - Bajpatti, Distt.- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends her arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar Excise
Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case as pleaded in the supplementary
affidavit and is a woman and allegation is of recovery of 25.2 liters
of liquor from a place near the house of Sri Ram.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from her conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner and
is accessible to public at large and she came to be implicated at the
instance of local people, but then it is submitted that police in



majority of the cases implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bajpatti P.S. Case No. 136 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear 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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