

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61845 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- BAISI District- Purnia

Shabana Khatoon W/o- Md. Seraj @ Sheraj Ansari Resident of Matiyari
Muslim Tola ward no 03,, Ps- Forbesganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends her arrest in connection
with Baisi P.S. Case No.34 of 2022, registered for the offences
punishable under Sections 279, 337, 338, 353, 323, 427, 272,
273/34 of the Indian Penal Code and Sections 30(a), 41 and 47
of the Bihar Prohibition & Excise Act, 2016.

3. The police on a tip off trafficking of illicit wine
conducted raid, however, when the police tried to intercept the
Tata Sumo Grand vehicle bearing registration No. BR-
11G/9695, the driver of the vehicle did not stop it and ran over
the vehicle, due to which a lady constable sustained injuries. In
the meantime, one of the person seated in the vehicle succeeded



in fleeing away, whose name has been disclosed as Gulfaraj. In course of search, total 243 liters illicit wine was recovered.

4. Learned counsel appearing on behalf of the petitioner contended that the petitioner is neither named in the FIR nor she was present at the place of occurrence, however, only on account of being the previous owner of the vehicle, in question, her name has been implicated in this case. It is further contended that the vehicle, in question, was sold by the petitioner to one, Bhogendra Roy on 28.01.2022 through a valid agreement and she has appended her signature on the ownership transfer form/letter but the said Bhogendra Roy did not submit the transfer letter/form before the District Transport Officer, Purnea and in the meantime the vehicle has been seized by the police personnel. The petitioner is a lady having fair antecedent. The learned Advocate for the petitioner also brought the attention towards infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner is not the owner of the vehicle, in question, which is stated to have been sold to Bhogendra Roy, coupled with the fact that the



petitioner is a lady having fair antecedent, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Purnea in connection with Baisi P.S. Case No.34 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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