

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64823 of 2024

Arising Out of PS. Case No.-177 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Sona Devi Wife of Hira Lal Gupta R/O- BUDDA MARGA CHINA KOTHI
LODIPUR P.S- KOTWALI DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2024 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 Sections 30(a), 32,
41, 56(a) and 56(b) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner had earlier moved before this Court seeking
anticipatory bail by filing Cr. Misc. No. 29403 of 2024 and the
same was permitted to be withdrawn by an order dated
18.04.2024. Learned counsel further submits that on the last
occasion, the case was permitted to be withdrawn as process
under Sections 82 and 83 Cr.P.C. was issued. It is next
submitted that the order issuing process under Sections 82 and



83 Cr.P.C. has been stayed by this Court in Cr. Misc. No. 57058 of 2024 by an order dated 08.08.2024.

4. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman.

5. Allegation is of recovery of 25 litres of liquor from a motorcycle.

6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from her conscious possession and she came to be implicated based on the fact that she is owner of the seized vehicle. It is further submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against herself and hence would get implicated. It is next submitted that petitioner was completely unaware that Pankaj Mahto would misuse the vehicle in the manner as alleged who was also apprehended from the spot along with Ramanand Mahto.

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

8. Considering the submissions made by the learned counsel for the petitioner, 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.500/- (Rupees Five Hundred) 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 Lakhisarai P.S. Case No. 177c2 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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