

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66134 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- BAHERI District- Darbhanga

Gita Devi Wife of Paltoo Mahto Resident of Village - Jitwaria, P.S. -
Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Baheri P.S. Case No. 386 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per prosecution case, the police has recovered altogether 944.92 liters of illicit liquor from a pick-up van bearing Registration No. BR06GA-9698.

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. Though the petitioner is the owner of the alleged Pick-up van



but, she has already sold the same much earlier and, thus, she has no concern with the said vehicle. He further 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 has no concern with the alleged occurrence or 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 Akhilesh Ray has already been granted regular bail by this Court vide order dated 26.04.2024 passed in Cr. Misc. No. 9849 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 the petitioner, who is a lady, having no criminal antecedent, 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 Baheri P.S. Case No. 386 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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