

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68893 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- DHANAHA District- West Champaran

Asha @ Asha Devi W/o - Shailesh Chohan R/o Bharat Tola Jangal Nahar
Chhapra, P.S.- Padrauna, District- Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2024 Heard Mr. Milind Kumar Mishra, learned counsel for
the petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable u/s 30 (a) of Bihar
Prohibition and Excise Amendment Act, 2018.

3. Altogether 21.750 liters of country made liquor is said
to have been recovered from the motorcycle of the petitioner.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. She has no concern either
with the seized liquor or any trade of liquor. She has been
falsely implicated in this case at the instance of her enemy. She



was not apprehended on the spot and her name transpired in the case only on the basis that petitioner is the owner of the alleged motorcycle from which the recovery has been made but she had sold the said motorcycle to the apprehended co-accused Manjesh Yadav before the occurrence. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, Patna, bearing Account No.7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Dhanha P.S. Case No.179 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

- (i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Lawyer’s Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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