

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78047 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- Excise P.S. District- Kishanganj

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Moonmoon Roy Sen @ Munmun Roy W/O Aniruddha Sen R/O House No. 22, Chandan Sarani, Rasidpur (P), Dhankoli Hat, P.S- Kaliaganj, Distt.- North Dinajpur, State- West Bengal, PIN- 733129.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 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) r/w Section 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. Altogether 0.375 litres of illicit liquor has been recovered from the seized car which belongs to this petitioner. Four persons were apprehended on the spot.

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 possession of the petitioner or from her house. She has no concern either with the seized liquor or the place of



recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. She was not apprehended on the spot. She is not named in the FIR. Her name has been transpired in the present case merely because she is the registered owner of the seized car. She had no knowledge of keeping of the said liquor in her car. The real fact of the matter is that on the alleged date of occurrence, the husband of the petitioner was going with Rajeshwar Chatterjee for some personal work to Kishanganj and meanwhile, the car of the petitioner has been seized by the excise officials. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, 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 eight 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 Madya Nisedh P.S. Case No. 236 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) 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.

(2) That 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 after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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 the aforesaid amount in Mahavir Cancer Sansthan, Patna.

8. The learned Court below is directed to verify the



criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence, then the bail bond of the petitioner shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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