

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80833 of 2024

Arising Out of PS. Case No.-486 Year-2024 Thana- KANTI District- Muzaffarpur

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Shashikant Divedi Son of Balram Dwivedi @ Balram Divedi Resident of
Village - Ward No.26, Shahid Amiy Tripathi Kasya Nagar, P.S. - Kasya,
District - Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Kanti P.S. Case No. 486 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2022 (Amended).

3. It is alleged that the police on a secret informant
that a vehicle bearing Registration No. UP-53DD-7799 is
parked in an abundant position, rushed to the place and on
search total 239.4 litres of Indian made foreign liquor was
recovered.

4. Learned counsel appearing on behalf of the

petitioner submits that the name of the petitioner has been implicated in this case only on account of she being owner of the vehicle. The vehicle in question was used to run by the driver and she did not even know as to how and why the said vehicle has been used for any illicit purpose. It is further contended that the petitioner was neither present at the place of occurrence, nor any other incriminating material has come suggesting the complicity of the petitioner in the present crime. The petitioner is a lady and bears fair antecedent. She undertakes before this Court that she will fully co-operate in the Court proceeding.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that a huge amount of illicit wine has been recovered from the vehicle of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact the petitioner is a lady having fair antecedent. Save and except. the petitioner being owner of the vehicle, there is no other material available, let the petitioner above named be released on bail, in the event of his 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, Court No. II, in connection with Kanti P.S. Case No. 486 of 2024, 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)

Jyoti Kumari/-

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