

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82967 of 2023**

Arising Out of PS. Case No.-638 Year-2023 Thana- MALSALAMI District- Patna

KANCHAN DEVI @ GHORWAWALI W/O LATE PRAKASH RAI R/O  
VILLAGE- MANSHURGANJ, MUSHARI, P.S.- MALSALAMI, DIST.-  
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      08-01-2024      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 u/s 30 (a), 36 and 37 of Bihar Prohibition and Excise Amendment Act, 2022.

3. Altogether 60 liters of illicit liquor is said to have been recovered from the place of the occurrence. The allegation against the petitioner is that she is involved in selling liquor with her associates.

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 of statement of apprehended co-accused persons. Petitioner has five criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.40,000.00 (Rupees Forty Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

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 Malsalami P.S. Case No.638 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 Mahavir Cancer Sansthan.

**(Anjani Kumar Sharan, J)**

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