

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81456 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- Excise P.S. District- Gopalganj

Babunti Devi Wife of Rajesh Kumar Paswan VILLAGE -PANDEY PARSA,
PS -PHULWARIYA, DISTRICT -GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Excise Police Station Case No. 312 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 02.04.2024, while
the informant and other police personnel were on the duty of
checking the vehicles, one motorcycle which was coming from
U.P., indicated by the police party to stop. On seeing the police
party, person sitting on the motorcycle tried to flee away, but
police chased him and he was arrested. On interrogation,
apprehended person disclosed his name as Firangi Baitha and on
search, total 27.000 liters of illicit liquor has been recovered
from a gunny bag which was tied with the motorcycle bearing



Reg. No. BR28X3530.

4. Learned Counsel for the petitioner submits that from the FIR, it would manifest that recovery of the alleged illicit liquor has been made from the arrested person namely Firangi Baitha and not from the petitioner. Petitioner was not present at the spot and nothing has been recovered from the conscious possession of the petitioner. The seized motorcycle belongs to the petitioner which was being used on hire. Petitioner was not aware about the illicit liquor being transported by its driver.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and her name has transpired merely on the basis of her being the registered owner of the seized motorcycle which was used for rental, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IV cum



Exclusive Special Judge Excise Court No. II, District
Gopalganj, in connection with Excise Police Station Case No.
312 of 2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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