

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84499 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- BARHARA District- Bhojpur

Gudiya Devi W/o - Santosh Kumar Yadav Resident of Village- Shaligram
Singh ke Tola, P.S.- Barahra, Distt.- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
Mr. Anil Kumar, Advocate
For the State : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail, apprehending her arrest,
in connection with Barhara P.S. Case No. 282 of 2024
dated 30.09.2024 registered for the offences punishable under
Sections 30 (a) of the Bihar Prohibition & Excise (Amendment)
Act, 2018.

3. As per allegation, total 6 litre and 240 ml of liquor
has been recovered from a gallon kept on the motorcycle, which
was being carried by the co-accused Anil Kumar and the present
petition is owner of the motorcycle.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that petitioner was neither driving the motorcycle nor present on the place of occurrence. He further submits that petitioner is owner of the motorcycle but motorcycle was given to the co-accused Anil Kumar in good faith for his personal use and she is not aware of the commission of the alleged offence by the co-accused. He further submits that the petitioner has no criminal antecedent.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

7. However, the Ld. APP for the State has vehemently opposed the prayer of the Petitioner for bail.

8. In view of the aforesaid facts and circumstances, no prima facie case is made out against the petitioner for want of cogent legal material against her.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise



Court No.I, Bhojpur at Ara in connection with Barhara P.S.
Case No. 282 of 2024, subject to the conditions as laid down
under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court
below that the petitioner has concealed her criminal antecedent,
Ld. court below shall cancel the bail bond of the petitioner after
hearing her and getting satisfied that the petitioner has
concealed her criminal antecedent despite her knowledge of the
same.

(ii) In case, it is brought to the notice of the court
below that statement regarding previous bail petition is wrong,
Ld. Court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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