

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86166 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- PHULWARIYA District- Gopalganj

Khushbu Kumari D/O Santosh Sah Resident of Village- Koyla Deva, P.S-
Phulwariya, Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 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) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 15.400 liters of country made liquor is said to have been recovered from behind the brick. Petitioner fled away from the place of occurrence on seeing police.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case. 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 was not



apprehended on the spot and her name transpired on the basis of disclosure made by nearby assembled villagers and passers by. Recovery has been made from behind the brick, behind the house of the petitioner, which is an open place and accessible to all. 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 the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, 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 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 Phulwariya P.S. Case No.242 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023, 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 account of Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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