

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2834 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- BIRAUL District- Darbhanga

Shanti Devi Wife of Jhutan Manjhi @ Jhatkam Manjhi Resident of Village
Sonama Dihuli, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Biraul P.S. Case No. 292 of 2023, registered on for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about the petitioner selling illicit liquor from her hut. A raid was conducted at the identified place and a woman fled away from the spot. From the said hut, recovery of 05 liters of country made *chulai* liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The place from where recovery is said to be made is an



open place and the same belongs to the joint family of the petitioner. The petitioner used to stay 400 meters away from the said place. The prosecution story is not believable that a woman fled away from the spot, which is an open place, as anyone could have easily apprehended her while fleeing away from the said spot. The petitioner has no concern either with the alleged recovery or with the said place and the same belongs to her father-in-law. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the recovery has not been shown from the conscious possession of the petitioner and the alleged recovery is said to be made from an open place and further considering the clean antecedent of the petitioner who is a lady, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga/concerned court in connection



with Biraul P.S. Case No. 292 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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