

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16449 of 2025

Arising Out of PS. Case No.-228 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Basanti Devi Wife of Shivdayal Mahto Resident of Village- Arar, P.S.-
Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr.Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends her arrest in connection
with Kuchaikote P.S. Case no.228 of 2024 registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 11.800 liters of country
made liquor was recovered from a Hero motorcycle bearing
Registration No. BR28X0391.

5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. The petitioner
is not named in the F.I.R and cause of her false implication only
for the reason that she happens to be the registered owner of the
seized motorcycle. No recovery has been made from the
physical or conscious possession of the petitioner. However,



learned counsel for the petitioner further stated in paragraph no. 7 to the petition that one of the villager took her motorcycle for some personal use and she was not aware that the vehicle was put to any illegal use. Learned counsel for the petitioner further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

6. The application for anticipatory bail is opposed by learned A.P.P. for the State.

7. In view of the entire facts and circumstances of the case, it is directed that the petitioner, above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kuchaikote P.S. Case no.228 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-VI-cum-Exclusive Special Excise Court No. 2, Gopalganj, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the learned Court below would



however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed her criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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