

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25600 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -MAIRWA District- SIWAN

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Kamlawati Devi Wife of Late Vinod Pasi, Resident of f Village- English
Mauza, Police Station- Mairwa, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Md. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-06-2017

Heard Sri Ajay Kumar Tiwary, learned

counsel for the petitioner and Sri Choubey Jawahar, learned

Additional Public Prosecutor for the State.

Let it be made clear that Sri Choubey Jawahar, learned Additional Public Prosecutor is present in the court to assist in absence of learned Additional Public Prosecutor whose name appears in the list.

Learned counsel for the petitioner would submit that the petitioner is a widow and the allegation against her is that 60 litres of Mahua country made liquor has been recovered from her house, however, he submits that the allegations are not true as the petitioner has nothing to do with this and she is living in a joint family house and seizure is not in accordance with Section 100 Cr.P.C. The recovery is not made from her conscious possession. He attempted to make out an exceptional case submitting that



the petitioner is a widow lady who has been burdened with arranging day to day affairs for her minor children, and therefore, she may be released on bail at this stage.

Learned Additional Public Prosecutor opposes the prayer for bail of the petitioner and submits that 60 days time is prescribed under the Bihar Prohibition Act, 2016 for submission of the report and in this case even that period has not expired.

Having considered the facts and circumstances of the case particularly that petitioner is a widow lady and her claim is that recovery/seizure has been made from house where several family members are residing and that there are two minor children to take care, let the petitioner namely, Kamlawati Devi, on completion of 60 days from the date of her judicial custody, 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 Additional Sessions Judge-2nd – cum – Special Judge, Siwan, in connection with Mairwa P.S. Case No. 104 of 2017.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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