

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1829 of 2019

Arising Out of PS. Case No.-860 Year-2018 Thana- NAWADA District- Nawada

Seema Devi, wife of Amrit Kumar, resident of village- Gopalganj, P.S. Kadirganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate
For the Respondent/s : Mr. Amrendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Nagar
(Kadirganj) P.S.Case No.860 of 2018 for the offence alleged
under Sections 30(A) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case as lodged by the police
personnel is that on secret information that the petitioner has
kept illicit liquor in her house and sells them, the police
conducted a raid and recovered about 70 liters of foreign liquor
from her house. On interrogation, the petitioner submitted that
she lives alone in the house.

It has been submitted by the learned counsel for the
petitioner that she is innocent, bear no criminal antecedent and
has been falsely implicated. He submits that there is no
compliance of Section 100 of the Cr.P.C. as the seizure list was
not served on the petitioner which is evident from perusal of the



seizure list. Petitioner undertakes not to tamper with the witness and prosecution evidence at any stage whatsoever.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Nagar (Kadirganj) P.S.Case No.860 of 2018 to the satisfaction of ADJ-II-cum-Special Judge, Excise Act, Nawada subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

(Nilu Agrawal, J)

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