

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3142 of 2020

Arising Out of PS. Case No.-329 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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SUBHAWATI DEVI Wife of Sanjay Yadav Resident of Village - Harnathpur,
Dakhin Tola, P.S. - Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lilawati Singh, Adv.
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP
Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Ms. Lilawati Singh, the learned counsel appearing for the petitioner and Smt. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Excise Case No. C-III-329 of 2019 dated 21.12.2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation of the prosecution is regarding recovery of 432 liters of illicit liquor from the house of the



petitioner.

The learned counsel for the petitioner has submitted that the petitioner, being a female, is innocent and it cannot be conceived that she has committed the alleged crime, hence, it is submitted that the petitioner has been falsely implicated in the present case. It is further submitted that the allegations levelled against the petitioner is false and no recovery of illicit liquor has been made from the conscious possession of the petitioner. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 22.12.2019. Lastly it is submitted that similarly situated co-accused person has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 14.02.2020 passed in Cr. Misc. No. 8698 of 2020.

Per contra, the Ld. APP for the State has submitted that the petitioner is named in the F.I.R.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted regular bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on



bail upon her furnishing personal bond to the satisfaction of the learned A.D.J. cum Special Judge (Excise), Siwan in connection with Excise Case No. C-III-329 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned A.D.J. cum Special Judge (Excise), Siwan in connection with Excise Case No. C-III-329 of 2019.

The bail petition stands allowed.

(Mohit Kumar Shah, J)

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