

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9706 of 2020

Arising Out of PS. Case No.-541 Year-2018 Thana- NAWADA District- Nawada

SONIYA DEVI W/o Late Banwari Choudhary R/o Mohalla- Prasad Bigha,
P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-07-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 6.1.2020 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of Amendment Act, 2018. Hence, prayer for bail has been made through the present application.

The prosecution case, as per the written report of Anjani Kumar, Inspector-cum-SHO, Nawada Town Police Station submitted to the learned CJM, Nawada, is to the effect that on 4.8.2018 during patrolling, the informant got a confidential information that Rajesh Singh and Soniya Singh (petitioner) are



indulged in the trade of liquor. Consequently, raid was laid and from the lane, 7 bags containing, total 97.18 litres of Indian Made Foreign Liquor were recovered, though the petitioner and co-accused Rajesh Singh managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the recovery has been made from the lane and not from the conscious physical possession of the petitioner. The investigation has already been concluded and the petitioner is a lady though she is accused in three other cases.

Learned APP submits that the recovery has been made from the petitioner and co-accused when they left the bag. The petitioner is having criminal antecedent.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner, investigation has already been concluded coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Nawada in connection with Nawada P.S. Case No.541 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the



bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge, Nawada including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode is not resumed in next three months.

This application is, accordingly disposed of.

(Dinesh Kumar Singh, J)

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