

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17941 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Kabita Devi @ Kavita Devi, Female, Aged about 30 Years, W/o Amit Singh
@ Amit Kumar Singh Resident of Village- Malhipur, P.S.- Barauni (Chakiya
O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the State : Mr. Md. Arif, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Excise Complaint Case No. 59C-2 of 2020 dated 04.03.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that in a plastic bag under the ground in a room of her house, 24.12 litres



of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that the recovery has not been from the conscious possession of the petitioner and was from a temporary room and further, the item has been planted to frame the petitioner. It was submitted that the petitioner is a lady having no other criminal antecedent and is in custody since 04.03.2020.

6. Mr. Md. Arif, learned APP submitted that the recovery of liquor being from under the ground in a room of the house of the petitioner, she cannot claim to be innocent.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Begusarai-cum-Special Judge, Bihar Prohibition and Excise Act, 2016, Begusarai in Excise Complaint Case No. 59C-2 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she



shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/ P Kumar

