

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19093 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- RAJPUR District- Buxar

KIRAN DEVI Wife of Late Rajendar Sah Resident of Village - Bahuara, P.S.-
Rajpur, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Keshav
		Mr. Mohit Shrivastava
For the Opposite Party/s :		Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by the Amendment Act 8 of 2018 (hereinafter referred to as the Act) as he is languishing in custody since 1.3.2020.

The prosecution case, as per the self statement of S.I. Ranjeet Kumar Sinha, SHO, Rajpur Police Station recorded on 29.2.2020 at 7.15 P.M. is to the effect that on the same day, during patrolling, a secret information was received that huge



quantity of liquor has been stored in the house of the petitioner. Consequently, raid was laid and 596.160 litres of Indian made foreign liquor were recovered from the back room of the house. The petitioner admitted before the informant that the liquor has been stored by his son, leading to seizure of the alleged liquor and registration of the present FIR. The petitioner was apprehended on the spot.

It is submitted by learned counsel for the petitioner that the petitioner is a widow and the room from which seizure has been made, was let out to some person, hence the recovery cannot be treated from the possession of the petitioner. It is further submitted that the petitioner has not made any admission with regard to the storage of liquor by her son. However, the son of the petitioner, namely, co-accused Dablu Sah has not surrendered as yet but learned counsel for the petitioner submits that he will surrender within a period of four weeks from today. Moreover, the recovery has been made from a joint family house. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that huge quantity of liquor has been recovered from the house of the petitioner and the son of the petitioner, who is an FIR named accused, has still not



surrendered but has not controverted the fact that the petitioner who is lady, has no criminal antecedent.

Considering the fact that the recovery has been made from a joint family house, petitioner is a widow and the statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, has not been controverted by the learned counsel for the State, 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 Sessions Judge-II -cum- Special Judge, Excise Court, Buxar in connection with Rajpur P.S. Case No. 51 of 2020.

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 bailor, 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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Additional Sessions Judge-II -cum- Special Judge, Excise, Buxar in connection with Rajpur P.S. Case No. 51 of 2020.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lock down is not over in three months.

(Dinesh Kumar Singh, J)

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