

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25972 of 2020**

Arising Out of PS. Case No.-352 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

MAYA DEVI W/o Rajesh Kumar Yadav R/o Village- Salempur, P.S.- Siwan
Muffasil (Dhanauti O.P.), District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-10-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Siwan Muffasil (Dhanauti O.P.) P.S.Case No.352/2019 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that from a bare reading of the First Information Report it will appear that the petitioner has been made accused on mere suspicion. Learned counsel submits that the illicit liquor has been recovered from a bush



which is situated south to the Bathan of this petitioner and only for this reason the name of the petitioner has been brought in this case even though there is no witness to support the allegation and that the petitioner has no concern with the alleged illicit liquor.

Learned APP for the State does not dispute the position that in the FIR and seizure list recovery has been shown from the bush and not from the Bathan of this petitioner.

Having regard to the facts and circumstances of the case wherein there is no recovery from the place of petitioner, she is a lady and has got no criminal antecedent, let the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No.352/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-Iind-cum-Special Judge, Excise, Siwan, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India



without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

