

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28956 of 2020

Arising Out of PS. Case No.-243 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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SRIPATI DEVI @ SOMARI DEVI W/o Bhikhari Mukhiya Resident of
Village- Rajopatti, Ward No. -7 Sah Tola, P.S.- Mehsaul O.P., District-
Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Matlub Rub, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-11-2020 As of now the Courts have not resumed normal physical
hearing, the matter has been listed today for consideration through
Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

Mr. Matlub Rub, APP is appearing for the State as it is
submitted that the brief has been allotted to him by the office of
Advocate General.

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

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings regarding
supply of requisite court fee etc. within two weeks from the date he
is called upon to do so by the office.

Petitioner seeks bail in Case No. C 2 – 243 of 2020
registered under Section 30(a) of Bihar Prohibition and Excise Act,



2016.

209.880 Liters illicit liquor is alleged to have been recovered from behind petitioner's house hidden in some garbage.

It is submitted by learned Counsel for the petitioner that even as per prosecution case recovery is neither from petitioner's possession nor from her house. The recovery is from an open place accessible to one and all, for which the petitioner cannot be held responsible. The petitioner has no criminal antecedent and she is in custody since 20.6.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Sitamarhi in Case No. C 2 – 243 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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