

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76848 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- SAHAJITPUR District- Saran

1. Sanjay Choudhary @ Sri Choudhary Son of Madan Chaudhary
 2. Mamta Devi Wife of Sanjay Choudhary
- Both are residents of Village - Sahajitpur, P.S.- Sahajitpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2020 Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn having become infructuous as against petitioner no.1.

Heard learned counsel for the parties.

Petitioner no.2 apprehends her arrest in a case registered for the offence punishable under sections 30 and 30(a) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 10 litres of illicit liquor from bush beside the road near house of the petitioner no.2.

Learned counsel for the petitioner submits that the petitioner no.2 have falsely been implicated in this case. He further submits nothing has been recovered from house of the petitioner no.2, but the same was recovered from bush beside the road near house of the petitioner no.2 and she has no



concern with the alleged recovery. He further submits that no case under Excise Act is made out against the petitioner no.2. Petitioner no.2 has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner no.2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-I/c. Special Judge, Excise, Saran in connection with Sahajitpur P.S. Case No. 113 of 2019 on the following conditions:-

- (1) Petitioner no.2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.
- (2) If the petitioner no.2 tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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