

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16237 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- MAHINDWARA District- Sitamarhi

JALINA KHATOON W/o Wasim Ansari Resident of Village - Olipur, P.s.-
Mahindwara. Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 29-06-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Mahindwara P.S. Case No. 131 of 2020 registered

for the offences punishable under Sections 30(a) (b) (c) (d) (f), 37

and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story the informant who is a police officer got

secret information about illegal trade of illicit liquor in the house

of co-accused Wasim Ansari (husband of the petitioner). The

informant along with police team reached at the house of the co-



accused but he was not found rather her wife, the petitioner was present there. On search a total of 126 litres illicit wine was recovered from the house along with chemical, wrappers, stickers caps, cartoons of wine and thereupon the petitioner was arrested.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from her conscious possession. Learned counsel submits that the petitioner is in custody since 24.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is said to an elder lady and has got four months old son in her house, she has remained in custody in connection with the present case since 24.10.2020, she has otherwise no criminal antecedent, investigation against her is complete but the trial is not likely to be completed in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Sitamarhi in connection with Mahindwara P.S. Case No. 131 of 2020 subject to the condition as laid down under



Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

