

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26737 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Suman Devi, Wife of Jaykanth Ray, R/O Village- Bagloda Gali, P.S.-
Chowk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 10-12-2021 The applicant/accused in Crime No. 136 of 2020
(Special Case No. 3042 of 2020) registered with Chowk Police
Station for the offences under Section 34 of the Indian Penal
Code as well as Section 30(a) of the Bihar Prohibition and
Excise Amendment Act 2018, at the instance of first informant
Krishan Kumar - P.S.O., by this application is seeking his
release on bail.

Heard the learned counsel appearing for the
applicant/accused. He argued that the applicant is in custody
from 09.01.2021 and nothing was recovered at her instance.

Learned Additional Public Prosecutor opposed the
application by contending that the crime in question is serious.

I have considered the submissions so advanced and
perused the material placed before me.



Police had conducted raid on 26.03.2020 on the basis of prior information that the applicant and her husband Jaikant Rai are indulged in the business of illicit liquor. It is averred in the FIR that upon seeing the police party, two men and one one women flee from the spot. The FIR shows that from the chamber situated under the platform constructed in front of house of the applicant, 37.080 litres Indian made foreign liquor came to be seized.

The investigation of the crime in question is over. The applicant is a women. Therefore, in my considered opinion further pretrial detention of the applicant is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 136 of 2020 (Special Case No. 3042 of 2020) registered with Chowk Police Station for the offences punishable under Section 34 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018 be released on bail on executing P.R. bond of Rs.30,000/- (Rupees Thirty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any



threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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