

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26870 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- BARHARA KOTHI District- Purnia

MEENA DEVI, Wife of Sri Baigan Hembram, Resident of Village -
Rambhajju Tola, P.S. - Barhara, District - Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-02-2021 Heard learned counsel for the petitioner and Mr.
Surendra Kumar, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Special Excise Case No. 48 of 2020 arising out of Barhara P.S. Case No. 28 of 2020 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the recovery is not from inside the house of the petitioner and the seizure list itself says that it has been recovered in front of the house but then it mentions the courtyard also.

Learned counsel submits that the place is an open place



and such recovery cannot be said to be from conscious possession of the petitioner. It is submitted that the petitioner is a lady and she has no criminal antecedent.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the recovery is not from inside the house of the petitioner and the seizure list itself says that it has been recovered in front of the house but then it mentions the courtyard also, the submission being that the place is an open place and such recovery cannot be said to be from conscious possession of the petitioner, in the case diary learned A.P.P. does not find any clear mentioning of the geographical area and boundary of the place from which recovery has been made, this petitioner being a female member of the family, the Court is inclined to take a view to protect her. Let the petitioner above named be released on bail in the event of her arrest or surrender within a period of four weeks from today 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 2nd Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Excise Case No. 48 of 2020 arising out of Barhara P.S. Case No. 28 of 2020 subject to the condition as laid



down under Section 438 (2) Cr.P.C. as under :

(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 antecedents of this petitioner and in case at any stage it is found that she has concealed her criminal antecedent, the court below shall take step for cancellation of her bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(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'.

