

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28068 of 2020**

Arising Out of PS. Case No.-97 Year-2020 Thana- SIDHWALIYA District- Gopalganj

Rukmina Devi, aged about 55 years, female, W/o Sumesh Mahto and D/o Late Bechu Mahto, resident of Village- Bishunpura, P.S.- Shidhwalia, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 25-01-2021

Heard Mr. Satyendra Rai, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Sidhwalia PS Case No.97 of 2020 dated 27.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner is that on information that the petitioner along with another person had kept liquor in their house, when the police went, two persons ran away and from the canal near the house of the petitioner, 26 litres country made liquor in three gallons was recovered.

4. Learned counsel for the petitioner submitted that



she is a lady and has no connection with the recovered articles as the same was not recovered either from her conscious possession or from her house. Learned counsel submitted that the petitioner is accused in Sidhwalia PS Case no.98 of 2020, which was also of the same Police Station lodged on the same day under Section 30(a) of the Act.

5. Learned APP submitted that the petitioner ran away from her house and the police have recovered the liquor from the canal near her house. However, he did not controvert that no recovery has been made from the house of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Gopalganj, in Sidhwalia PS Case No.97 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good



behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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