

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50180 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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NAGINA DEVI W/o Late Saryug Chaudhary @ Sarjun Chaudhary Resident
of Village - Bemta Tola Nawadih, P.S. - Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Magadh
Medical P.S. Case No. 166 of 2021 registered for the offences
punishable under Section 30(a) (d) of the Bihar Prohibition and
Excise Act, 2016.

There is recovery of 10 litres of illicit liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and she has falsely been implicated in the present case. He



further submits that no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that it appears from the FIR itself that the said recovery has been made from the joint house of the petitioner where other family members also reside. Learned counsel further submits that son of the petitioner has also been made accused in the present case. Petitioner is in custody since 15.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released 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 Additional Sessions Judge-II cum Special Judge, Excise, Gaya in connection with Magadh Medical P.S. Case No. 166 of 2021, subject to the following conditions:-

1. Petitioner 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 on her absence on two



consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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