

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39466 of 2020

Arising Out of PS. Case No.-408 Year-2019 Thana- GARDANIBAG District- Patna

ANJU DEVI WIFE OF SANJAY RAM RESIDENT OF YARPUR,
MOHALLA MUSHARRI JOHPRI INFRONT OF RAJ MEDICALS, P.S.-
GARDANIBAGH, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Gardanibagh PS Case No. 408 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

68 Liters of illicit liquor, as per prosecution case, has been recovered from the Public Conveniences.

Learned Counsel for the petitioner submits that since house of the petitioner was near the Public Conveniences she has been implicated in this case. Except Sachiwalaya PS Case No. 51 of 2020 the petitioner is on bail in other cases. In this case she is in custody since 24.8.2020. Recovery is from a public place having general excess for which the petitioner cannot be fastened with any criminal liability.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Excise Judge, Patna in Gardanibagh PS Case No. 408 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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