

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.287 of 2021**

Arising Out of PS. Case No.-864 Year-2020 Thana- MADHAURAH District- Saran

Sunita Devi, W/O Ashok Singh, Resident of Village-Vikrampur, P.S-
Marhowrah, District-Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Madhuranand Jha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Marhowrah P.S. Case No. 864 of 2020 registered for the offences punishable under Section 30/30(a) of 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 due to village politics. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of this petitioner, rather the recovery of six plastic gallons containing the spirit was made from the backside of the house of the petitioner



which is an open place. It is submitted that the petitioner has no criminal antecedent and she is in judicial custody since 11.10.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that this petitioner is a female member of the family, for recovery of alleged six plastic gallons containing the spirit from the backside of the house of the petitioner the entire family has been made accused and further submission that the petitioner who is having no criminal antecedent has remained in jail since 11.10.2020, investigation against her is complete and at this stage there is no submission on behalf of the State that her release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing 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, Excise, Saran in connection with Marhowrah P.S. Case No. 864 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

(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'.

