

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3317 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- MALSALAMI District- Patna

MUNNI DEVI W/o Kunal Manjhi Resident of Village - Mansurganj
Musahari, P.s.- Malsalami and Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 25.08.2021, seeks
regular bail in connection with Special Case No. 4213 of 2021
arising out of Malsalami P.S. Case No. 265 of 2021 registered for
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

A raid was conducted by Malsalami Police after getting
information that trade of illicit liquor is going on in their
jurisdiction. Altogether 360 litres of country-made liquor was
recovered which was found abandoned near Mansurganj Musahari
canal.



Learned counsel appearing on behalf of the petitioner submits that petitioner has been made accused in the present case merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has one criminal antecedent which has been lodged after the present case. Petitioner is in custody since 25.08.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Having heard the rival submission of the parties, petitioner has pleaded her innocence, nothing has been recovered from her physical possession rather the recovery has been shown to be from the side of canal, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge – Excise, Patna in connection with Special Case No. 4213 of 2021 arising out of Malsalami P.S. Case No. 265 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable



property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after her release on bail, the trial Court shall take steps to cancel her bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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