

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5369 of 2022

Arising Out of PS. Case No.-806 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Shakuntala Devi W/O Raj Kishor Sahani Resident of Village- Dadar Pool,
P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ahiyapur P. S. Case No. 806 of 2021 registered for the offences punishable under Sections 272, 273 read with 34 of the Indian Penal Code and Section 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the Police, on a secret information, raided the house of the



petitioner and on the disclosure of this petitioner 42.960 litres of illicit foreign liquor was recovered from bamboo orchard.

Learned counsel appearing on behalf of the petitioner submitted that no recovery has been made from the house of the petitioner rather the recovery has been made from a bamboo orchard, which is accessible to all. It is also submitted that the petitioner has no concerned with the alleged foreign wine and she being lady, aged about 67 years, is in custody since 20.11.2021 having no criminal antecedent.

On the other hand, learned APP for the State fairly submits that the recovery has been made from a bamboo orchard and moreover, this petitioner is a lady.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a lady and, in fact, recovery has not been made from her house rather the recovery has been made from a bamboo orchard, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P. S. Case No. 806 of 2021, subject to the condition that one of the bailors will be the close relative of the



petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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