

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5395 of 2022

Arising Out of PS. Case No.-782 Year-2021 Thana- SARAIYA District- Muzaffarpur

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Seema Devi @ Manju Devi W/o Rajdeo Mahato @ Raj Dev Mahto Resident
of Village - Basantpur Patti, P.s.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate.
For the Opposite Party/s : Mr. Khurshid Anwar, APP.

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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. Yugal Kishore, 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 Saraiya P. S. Case No. 782 of 2021

registered for the offences punishable under Sections 272, 273

read with 34 of the Indian Penal Code and Section 37(a) (b) (c)

and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the

Police, on a secret information that one Vikash Kumar was



indulged in a business of country-made wine, raided the house of the petitioner. It is also alleged that this petitioner was apprehended along with a gallon, containing 20 litre spirit.

Learned counsel appearing on behalf of the petitioner submitted that, in fact, nothing has been recovered from the person or possession of this petitioner and the petitioner being a lady, is in custody since 22.11.2021, though, the investigation of the crime has already been completed and the charge-sheet has been submitted. It is further submitted that the petitioner is ready to give undertaking that she will co-operate in the trial and will remain present on each and every date of trial.

On the other hand, learned APP for the State opposes the bail application and submits that from the F.I.R., it is evident that the petitioner was indulged in business of country-made wine and recovery has been made from her possession.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner being a lady, is in custody since 22.11.2021 and moreover, the investigation of the crime has already been completed and the charge-sheet has been submitted, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Saraiya P. S. Case No. 782 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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