

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8647 of 2022

Arising Out of PS. Case No.-690 Year-2021 Thana- SONEPUR District- Saran

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MUNNI DEVI W/O NAND KISHOR RAI R/o village- Chitrasenpur, P.S.-
Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Mohan Singh, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sonapur
P.S. Case No. 690 of 2021 registered for the offence under
Sections 30(a), 37(b)(c)(i)(ii) and 41(i) of the Bihar Excise and
Prohibition Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.11.2021.

The allegation against the petitioner is to have in
possession of illicit country made liquor of 219.7 litres.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit country made liquor has been



made from the house of the petitioner, which is jointly occupied by other family members and in these circumstances, it cannot be gathered, the same has been recovered from the conscious physical possession of the petitioner. It has further been submitted that petitioner is a lady and furthermore, investigation of this case has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sonapur P.S. Case No. 690 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Court, Saran, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Lucky Kumar, who is the son of the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen.-

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