

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11285 of 2022**

Arising Out of PS. Case No.-301 Year-2020 Thana- ALOULI District- Khagaria

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BABALI DEVI W/o- SHIV SHANKAR YADAV Resident of Village-  
Morakahi, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Indrajit Kumar, Adv

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      16-06-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding in  
  
physical mode in normal course.

Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the  
offence punishable under Section 30(a) of Bihar Prohibition and  
Excise Act.

Recovery is of 211.62 liters of foreign liquor.

Learned counsel appearing for the petitioner submits  
that the petitioner has clean antecedent. He has falsely been  
implicated in the present case only on the basis of suspicion. He  
further submits that nothing has been recovered from conscious  
possession of the petitioner. In fact the recovery has been made



from the house of co-accused, namely, Mithlesh Kumar. The name of the petitioner has been transpired on the basis of suspicion. He further submits that the similarly situated co-accused, namely, Mithlesh Kumar @ Mithlesh Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 07.01.2022 in Cr. Misc. No.58299 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Alauli P.S. Case No.301 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 his 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.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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