

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17050 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- NAUTAN District- West Champaran

1. SOBHA DEVI W/o Sikender Sahni R/o village- Dakshin Teluha, P.S.- Nautan, District- West Champaran
2. Goda Devi W/o Late Ramdev Sahni R/o village- Dakshin Teluha, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Nautan P.S. Case No. 416 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on information, informant along with other police officials reached to the house of Sobha Devi (Petitioner No. 1), co-accused Sikandar Sahni (husband of petitioner no. 1 namely Sobha Devi) and Goda Devi (Petitioner No. 2). On search police recovered nine pouch of 100 ML



country made chulai liquor from the house of co-accused Sikandar Sahni (husband of petitioner no. 1) and accusation against the petitioner no. 2 is that she is engaged in selling liquor and providing facility to take liquor.

Learned counsel for the petitioners submits that petitioners are in custody since 04.11.2021. Petitioners bear criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that no liquor has been recovered from the conscious possession of the petitioners. Nothing specific has been alleged against the petitioners. There was no compliance of Section 100 of Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in



connection with Nautan P.S. Case No. 416 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

