

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18408 of 2022

Arising Out of PS. Case No.-415 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 sahani r/o village- dakshin teluha, p.s.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Nautan
P.S. Case No. 415 of 2021, registered for the offence under
Sections 272, 273, 328, 307, 304, 120(B) of the Indian Penal
Code and Sections 30(a), 37(B), 33 and 34 of the Bihar
Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 04.11.2021.

The allegation against the petitioners is to involve in



sale/trading of spurious poisonous liquid, where altogether 13 persons died after consuming it.

Learned counsel appearing on behalf of the petitioners submitted that this is not a case, where there is any recovery from the conscious physical possession of the petitioners. It is submitted that only on the basis of hearsay witness and post mortem report of the deceased, these innocent petitioners have been falsely implicated in the present case. It is further submitted that except suspicion, nothing surfaced during the course of investigation, which may connect the petitioners with the present set of occurrence. It is submitted that name of the petitioner no.1 surfaced on the basis of statement of co-accused, namely, Jhunnu Sahni, leading no recovery of spurious liquor from the house/possession of the petitioners. It is also submitted that petitioner no.2 only implicated being wife of co-accused. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that no spurious liquor recovered from the possession of the petitioners.



Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest, *prima facie*, that petitioners were involved in the business of spurious liquor coupled with the fact that both the petitioners are ladies, where chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Nautan P.S. Case No. 415 of 2021 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/concerned Court, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by the documents.

(iii) That one of the bailors shall be Babloo Kumar, who is the nephew of the petitioner no.2 and deponent of the present bail petition.”

The physical appearance of I/O of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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