

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28981 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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NUTAN DEVI Wife of Anjesh Kumar Resident of Parri, Amhara, P.S. - Bihta,
District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 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 Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 30(a),32(1),32(3),41(1),41(2) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 17.625 liters of foreign liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case only on the basis of suspicion. He further



submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner. In fact the petitioner is owner of the vehicle in question and she herself did not drive the vehicle rather she used to let it on rent to one Rishu Kumar and Rishu Kumar was apprehended.

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, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Special Case No.5859 of 2020 arising out of PR No.110 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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)

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