

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19530 of 2022**

Arising Out of PS. Case No.-964 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

=====

VIMAL DEVI @ VIMALA DEVI @ VIMLA DEVI Wife of Surendra Sahani
Resident of Village - Vijay Chhapra, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

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

=====

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

2 05-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act.

Recovery is of 5852.4 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the alleged
recovery has been made from the vehicle in question and the
petitioner has no concern with the alleged recovery and the



vehicle. He further submits that the co-accused, namely, Surendra Sahni, Bhola Sahni @ Rajiv Kumar, Sajan Sah @ Rahul Raj and Durga Sah have already been granted bail by different co-ordinate Benches of this Court vide order dated 24.11.2021, 05.07.2021, 26.08.2021 and 07.01.2021 passed in Cr. Misc. No. 24086 of 2021, 24334 of 2021, 31881 of 2021, 36245 of 2021, respectively. The petitioner is rotting in judicial custody since 31.01.2022.

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, above named, petitioner 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 Ahiyapur P.S. Case No. 964 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 canceled



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)

brajesh/-

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

