

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23744 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- BISFI District- Madhubani

Shabana Khatoon @ Shbana Khatun S/o Md. Sahnawaj Resident of Village-
Bhairva, Ward No.2, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Bisfi P.S.
Case No. 40 of 2022 registered for the offence under Sections
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.02.2022.

The allegation against the petitioner is to run away
from the place of occurrence, where 516 liters of Nepali Soufi
wine was recovered.

Learned counsel appearing on behalf of the petitioner



submitted that recovery is from the house of the petitioner, where she lives with her husband and in-laws, as such, it cannot be said that recovery is from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a lady, having clean antecedent and, moreover, 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 recovery is from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a lady, having clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bisfi P.S. Case No. 40 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned Court, subject to the following conditions:



“(i) Accused/Petitioner 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 petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Kavir Khatun, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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