

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24361 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SUNITA DEVI W/O RAKESH KUMAR @ RAKESH SAHNI R/o Mohalla-
Shikendarpur Kundal Ward No. 12, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Union of India India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Muzaffarpur Town P.S. Case No. 114 of 2022, registered for the

offence under Sections 414 and 34 of the Indian Penal Code and

Sections 30(a) and 36 of the Bihar Prohibition and Excise Act,

2018.

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

custody since 10.02.2022.

The allegation against the petitioner is to be engaged



in illegal trade/manufacturing of illicit liquor, where, there is recovery of 228.525 litres of IMFL from the house of the co-accused which was jointly occupied by the other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the wife of the co-accused, namely, Rakesh Kumar. It is further submitted that alleged illicit liquor was recovered from the house of the co-accused, namely, Mukesh Kumar. It is submitted that only being the wife of co-accused, Rakesh Kumar, petitioner has been falsely implicated in this case, as co-accused, Rakesh Kumar, found to have in possession of smack of about 7.53 gm., which is less than commercial quantity. It is submitted that petitioner is a lady of clean antecedent and, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that contraband as smack like substance and liquor were not recovered from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as neither contraband as smack like substance which is



less than commercial quantity nor illicit liquor were recovered from the conscious physical possession of the petitioner, who is a lady of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muzaffarpur Town P.S. Case No. 114 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 Special Judge, Excise Act Court No.I, Muzaffarpur/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 Sonu Kumar, who is the cousin (brother-in-law) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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