

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26972 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- KINJAR District- Jehanabad

Babita Kumari D/O Late Indradev Manjhi Resident of Village - Helalpur, P.S.
- Kinjar, District - Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Kinjar,
P.S. Case No. 28 of 2022 registered for the offence under
Sections 30(a) (b) (c) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 05 litres prepared country made liquor and 100 litres
of Jawa Mahua semi prepared country made liquor along with



apparatus of aluminum use in manufacturing process of illicit liquor from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery is made from the house of the petitioner which is jointly occupied by the other family members and, as such, it cannot be said that recovery of illicit liquor is made from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation which may suggest that the petitioner was involved in illegal manufacturing of country made liquor, seized utensils as, very natural to be available in any house. It is submitted that petitioner is a lady of clean antecedent. While concluding the argument, it has been submitted that 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 the alleged recovery of illicit country made liquor was made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged country made liquor is not made 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 Kinjar, P.S. Case No. 28 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, Court No.-II, Jehanabad/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 Dhannjay Majhi, who is the brother-in-law(Jija) of the petitioner and deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

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