

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27135 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- SABAUR District- Bhagalpur

Rani Devi, W/o Subhash Mandal R/o village- Lailakh, P.O.- Mamalakha, P.S.-
Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Sabour P.S. Case No.28/2022 instituted under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the FIR, on 23.01.22 one Sunil Kumar Jha S.H.O.
Sabour submitted a written report himself alleging therein that on the
same day at about 16.30 hours, he got secret information than wine is
being brought on boat near Lailakh village and upon this information
the informant proceeded towards village Lailakhh with police party.
It is further alleged that at about 17.05 hours near Panchwati Chowk
one person started to flee away after seeing the police party and on
chase he was caught hold of and upon search, about 33 liters country
made liquor was recovered/seized by police. Thereafter police party



reached at village Lailakh when accuseds tried to escape and identified by 'Chowkidar' as Sanjay Mandal and Sushil Modi. Subsequently women was also caught hold who disclosed her name as Rani Devi (petitioner) and from her possession 23 liters country made wine was recovered and from the other bags 57 liters were recovered and seized by police. It is further alleged that thereafter police prepared the seizure list in the presence of witnesses.

Learned counsel for the petitioner submits that 23 liters of countrymade liquor has been allegedly recovered/seized from her. He further submits that she was merely a passenger on the boat and when the police conducted raid along with the other accused persons she was also raided of and the said allegation was made against her which led to her arrest and is in custody since 24.01.2022 (as stated in para-13 of the bail application).

Considering the fact that the petitioner is a lady, was in jail since 24.01.2022, she has no criminal antecedent and charge sheet stands submitted, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sabour P.S. Case No.28/2022 to the satisfaction of learned ADJ-12, Cum-Special Judge (Ex.), Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the



petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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