

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27160 of 2022**

Arising Out of PS. Case No.-107 Year-2022 Thana- GAYA RAIL P.S. District- Gaya

Kari Devi @ Kaushalya Devi Wife Of Shiv Paswan R/O Village- Pamputar,
P.S.- Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 Rail Gaya P.S. Case No.107/2022 instituted under Section
30(a) of Bihar Prohibition & Excise Amendment Act, 2018.

As per the FIR, on 07.03.2022, at about 9.50 P.M., the
informant and other police force started checking a the train
Dhanbad Dihri Intercity. It is further alleged that the informant
saw that near Bageshwari Gumti, one lady with bags has
alighted from train. It is further alleged that the informant
caught lady with the help of lady police and upon search 120
liters countrymade 'Mahua' wine was recovered from bag. It led



to arrest of the petitioner.

In this case, as per the averments made in the FIR, the petitioner alighted from Dhanbad Dehri Intercity Express and was standing on the platform, when the police for ulterior motive have implicated her and have shown recovery/seizure of 120 liters of countrymade liquor. In this way the lady, who has no criminal antecedent is languishing in jail since 08.03.2022 (as stated in para-11 of the bail application).

Taking into account the aforesaid facts that the petitioner is a lady is in custody since 08.03.2022, charge sheet stands submitted and she has no criminal antecedent, 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 Rail Gaya P.S. Case No.107/2022 to the satisfaction of learned Exclusive Special Excise Judge Court No.2, Gaya, 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 /-

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

