

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28102 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- KAHALGAON District- Bhagalpur

Munni Devi, D/o Ganesh Sahani, Wife of Anil Sahani, Resident of Village-
Lalu Pokhar Munger, P.S. - Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kahalgaon P.S. Case No. 49 of 2022, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total 99 litres of country made liquor was recovered concealed under fishes from a bamboo basket near the lavatory of one of the coaches of Vikramshila Express and the petitioner was apprehended from the spot.



The learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from her conscious possession. The petitioner has nothing to do with the seized liquor. It is not clear how the police came to know that the petitioner was owner of bamboo basket. The charge sheet has been submitted in this case and the petitioner, who is a lady, is in custody since 04.03.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, who has got clean antecedent, she is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-1, Bhagalpur, in connection with Kahalgaon P.S. Case No. 49 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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