

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26969 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- PHULWARIA District- Begusarai

Annu Devi Wife of Harihar Prasad Singh R/O- Vill- Shokahara-2, Ward No.8,
P.S- Phulwaria, Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 29-07-2022 Heard learned senior 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 Phulwaria
P.S. Case No. 55 of 2022 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 63 litres of IMFL liquor from the house of the
petitioner.



Learned senior counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from the house of the petitioner which is jointly occupied by other family members and, as such, it cannot be said that illicit liquor was recovered from the conscious physical possession of the petitioner. It is also submitted that the seizure list is not supported by independent witnesses and same is in violation of the provision as laid down under Section 100(4) of the Cr.P.C. It is also submitted that the petitioner is a lady having 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 that the alleged recovery is made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor from the house of the petitioner and, as such, it cannot be said to be 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 Phulwaria P.S. Case No. 55 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 Exclusive Excise Judge-1, Begusarai/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 Raushan Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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