

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28225 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SAHPUR District- Patna

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1. INDU DEVI Wife of Late Mahanand Sao Resident of Village - Shivalapar, P.S.- Shahpur, District - Patna.
 2. Rinki Devi Wife of Sri Anish Kumar Saw Resident of Village - Shivalapar, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Shahpur P.S. Case No. 76 of 2022 registered for the offence under Section 30(a), 32(ii), 56 and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 15.02.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 127.8 litres of IMFL/country made liquor from the house of the petitioners.

Learned counsel appearing on behalf of the petitioners submitted that recovery was made from the house and car of the petitioners, which was jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from conscious physical possession of the petitioners. It is also submitted that petitioners are 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 that recovery is from the jointly occupied car and house of the petitioners, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioners, who are lady of clean antecedent coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Shahpur P.S.



Case No. 76 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of learned Special Excise Judge,
Danapur (Patna)/concerned court, subject to the conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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