

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28247 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Chinta Devi W/o Dilip Sahni R/o Village- Dadark, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Raju Kumar, Advocate

For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
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 Ahiyapur
P.S. Case No. 10 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.02.2022.

The allegation against the petitioner is to have in
possession of 150 liters raw fermented jawa, which was
recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery was made from the house of the petitioner, which is jointly occupied by other family members. It has been submitted that the recovery has not been made from the conscious physical possession of the petitioner. It has also been submitted that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Court through Cr. Misc. No. 32163 of 2021 dated 14.12.2021. While concluding the argument, it has been submitted that petitioner, who is a lady, is a person having clean antecedent. While concluding the argument, it has been submitted that chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a lady, having clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 10 of 2021 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 Special Excise Court No.-I, Muzaffarpur, 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 Dilip Sahni, who is the husband of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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