

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29109 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- GHOSI District- Jehanabad

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Sona Devi wife of Mitthun Chaudhari, Resident of Village- Atiyawa @
Atiyawan P.S. Ghoshi, Dist- Jehanabad, Bihar- 824118.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending her arrest in a case

registered for the offences punishable under Section 30(a) of the

Bihar Prohibition and Excise Act.

Recovery is of 20 litres of Mahua wine.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and she has been falsely

implicated in the present case only on the basis of disclosure

made by local Chowkidar. He further submits that nothing has

been recovered from the conscious possession of the petitioner



rather recovery has been made from the open field which does not belong to the petitioner or her family members and the petitioner has no concern at all with the alleged recovery.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ghoshi P.S. Case No. 82 of 2022 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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