

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30375 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- AURAI District- Muzaffarpur

Nemat Khatoon, W/o Md. Jabir @ Jauir Nadaf, R/o Village- Aurai Bazar  
Halimpur, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-08-2022              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anish Kumar, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Aurai P.S. Case No. 23 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a secret information that some persons are engaged in selling of illicit liquor, raided the place of occurrence and it is alleged that 40 litres of illicit liquor was recovered from a hut and the



petitioner and others were apprehended by the police.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a lady, having no concern with the hut, which is situated on a Government land. It is next submitted that there is no compliance of Section 100 of the Cr.P.C. in preparation of the seizure list and, moreover, the petitioner is in custody since 04.02.2022 and the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be a lady, having no concern with the Hut, situated at Government land, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Muzaffarpur in connection with Aurai P.S. Case No. 23 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) She will remain physically present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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