

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30743 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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1. Kamlesh Devi W/O Late Timal Prasad R/O Mohalla- New Bus Stand, Ward No. 36, P.S.- Bettiah Town, District- West Champaran
 2. Rahul Kumar S/O Late Timal Prasad R/O Mohalla- New Bus Stand, Ward No. 36, P.S.- Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2022 Learned counsel for the petitioners submits that the petitioner no. 2 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 2.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 2.

Heard learned counsel for the petitioner and learned APP for the State for consideration of bail with regard to petitioner no. 1.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending her arrest in a case



registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 0.900 liters of illicit liquor is said to have recovered from the place of occurrence. He submits that the petitioner is the mother of accused Rohit Kumar. He submits that there is no specific overt act against the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah Town P.S. Case No. 165 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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