

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31488 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- HISUWA District- Nawada

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1. PAWAN KUMAR S/o Guddu Yadav @ Guddu Prasad Yadav Resident of Village-Hisua, Munshi Tola, P.S.-Hisua, District-Nawada.
 2. Lila Devi W/o Guddu Yadav @ Guddu Prasad Yadav Resident of Village-Hisua, Munshi Tola, P.S.-Hisua, District-Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

At the outset, learned counsel for the petitioner submits that during the pendency of the present application petitioner no. 1 has been declared juvenile and as such, he is not



pressing the application on behalf of the petitioner no. 1. The present case is only concerned with the petitioner no. 2.

The application for grant of bail to the petitioner no. 2, above named, who has been made accused and put behind the bar in connection with Hisua P. S. Case No. 02 of 2022 registered for the offences punishable under Section 30 (a), 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a confidential information, raided the house-cum-shop of the accused persons and on search 13.4 litres illicit wine was recovered. It is further alleged that the local persons disclosed the name of the accused persons, who have been found engaged in selling and purchasing of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint residential house of Guddu Prasad Yadav and the petitioner no. 2 being wife of co-accused Guddu Prasad Yadav has been made accused in this case. It is next submitted that the petitioner is a lady having fair antecedent, is in custody since 01.01.2022 and after completion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a joint residential house and the petitioner no. 2 only being wife of the co-accused Guddu Prasad Yadav, her name has been implicated in this case and moreover, the petitioner is a lady having fair antecedent, is in custody since 01.01.2022, let the petitioner no. 2, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nawada in connection with Hisua P. S. Case No. 02 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain 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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