

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35260 of 2022

Arising Out of PS. Case No.-576 Year-2021 Thana- BAGHA District- West Champaran

Kamla Devi Wife of Ramchandra Kewat R/O Village- Naraipur Kewatiya
Tola, P.S.- Bagha Patkhauri, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that inadvertently, paragraph no.9 of the bail petition
has been wrongly typed, as such, requests to delete the same.

Request allowed.

Accordingly, learned counsel for the petitioner is
permitted to delete paragraph no.9 of the bail petition during the
course of the day itself.

The petitioner seeks bail in connection with Bagaha
(Patkhauri) P.S. Case No. 576 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,



2016.

The accused/petitioner is named in the F.I.R. and is in custody since 12.04.2022.

The allegation against the petitioner is to involve in the illegal trading of illicit liquor, where 45 liters of country made liquor was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is submitted that, admittedly, petitioner was not apprehended at the spot, as per seizure list. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from the house of the petitioner.



Considering the facts and circumstances as mentioned above, as recovery is made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is a lady of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bagaha (Patkhauri) P.S. Case No. 576 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 Special Judge, Excise, Bagaha, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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