

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45126 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- SHEOHAR District- Sheohar

Shail Devi, W/O Late Sambhu Ray, R/O Village-Kothiya, P.S. And District-Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sheohar P.S. Case No. 132 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act 2016. She is in custody since 02.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was on patrolling duty got secret information that the petitioner has brought a consignment of liquor. The informant raided the house of the



petitioner and recovered 53.625 litres of foreign liquor and 76.200 litres of Saufi Nepali liquor. The petitioner was arrested from her house.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and she is in custody in connection with this case since 02.04.2021.

Learned counsel submits that the petitioner is a lady member of the family and the entire house is not in the ultimate control of the petitioner where other members of the family are also residing.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is a lady member of the family and the entire house is not in the ultimate control of the petitioner, there are other members of the family who are residing there, the petitioner has no criminal antecedent and in connection with the present case she has remained in custody since 02.04.2021, investigation against her is complete and her presence may be secured in course of trial,



this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, -cum- Special Judge, Excise, Sheohar in connection with Sheohar P.S. Case No. 132 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 antecedent, the court below shall take steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

