

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37566 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- SHERGHATI District- Gaya

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DALTI DEVI @ DOULTI DEVI W/o Late Budhu Chaudhary Resident of
Village- Mahamadpur, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed
within a period of four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection
with Sherghati P.S. Case No. 67 of 2021 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, the police received information
that the petitioner has been selling *mahua* liquor from her house
and a raid was conducted but the petitioner escaped from the
spot and on search of the house, 70 liters of illicit *mahua* liquor
was made. Co-accused Chinta Devi was apprehended from the



spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a widowed ailing lady and is not involved in the business of liquor. Nothing incriminating has been recovered from conscious possession of the petitioner. The recovery has been made from the joint house where other family members were also residing. There is no independent witness to support the involvement of the petitioner in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 21.04.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is involved in big way in selling the illicit liquor.

Having regard to the facts and circumstances and considering the submission of charge sheet and period of custody of this petitioner along with the nature of allegation, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No-02, Gaya in connection with Sherghati P.S. Case No. 67 of 2021, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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