

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48902 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- NAVINAGAR District- Aurangabad

1. DURGA DEVI @ DURGAWATI DEVI W/o Jai Ram Sao Resident of Village - Jhopadi Mohalla, Dalmiya Nagar, P.S. - Dalmiya Nagar, District - Rohtas.
2. BASANTI DEVI W/O Sukan Sao Resident of Village - Jhopadi Mohalla, Dalmiya Nagar, P.S. - Dalmiya Nagar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey, Advocate.
For the Opposite Party/s : Mr.Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 01.07.2021, seek regular bail in connection with Navi Nagar P.S. Case No. 146 of 2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 1260 pieces of Tanaka wine were recovered from a tempo, total



measuring 378 litres, exclusively for sale in Jharkhand. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the petitioners are lady and they are not related in any manner with the alleged seized wine which had been kept on the tempo in 15 bags. They had also no connection with the illicit trade of liquor in the State of Bihar. Nothing has been recovered from the conscious possession of the petitioners. They have clean antecedent and they are in custody since 01.07.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners and submits that the trade of illicit liquor is rampant in the State of Bihar and said illicit liquor has caused hooch death and it will not be in public interest to release the petitioners on bail. Learned APP further submits that no action has been taken against the owner of the tempo bearing Registration No. JH 01 DT 1015.

Considering the aforementioned facts and circumstances of the case and appreciating the submission of learned APP, this Court is of the opinion that the petitioners who are ladies were co-passengers in the tempo and they are



nowhere concerned with the illicit trade of liquor in the State of Bihar and they are in custody since 01.07.2021 having clean antecedent, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-II cum Special Judge, Excise, Aurangabad in connection with Navi Nagar P.S. Case No. 146 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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