

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39347 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- BARAUNI District- Begusarai

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Anita Devi, W/o Wakil Mahto @ Wakil Nishad @ Wakil Nishad, Resident of
Village- Simariya Ghat Bind Toli, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ram Sumiran Rai, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Barauni (Chakiya) P.S. Case No. 50 of 2022 for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police
on a secret information that two persons are carrying illicit wine
tried to apprehend them, however, the petitioner succeeded in



fleeing away and another co-accused Subodh Kumar @ Surendra was apprehended by the police. On search, total 54 litres of wine was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from her person or possession and only because of her past two criminal antecedent of similar nature, her name has been implicated in this case without any material. He next submits that co-accused person, namely, Subodh Kumar @ Surendra, who was apprehended at the spot, has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 25765 of 2022 vide order dated 29.07.22 and so far the petitioner is concerned, she being a lady, is in custody since 25.03.2022 and, moreover, the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner, being a lady, is in custody since 25.03.2022, and so far co-accused person, who was apprehended at spot, is concerned, has already



been granted bail by the learned co-ordinate Bench of this Court, let the petitioner, named above, 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 Excise Judge-1, Begusarai in connection with Barauni (Chakiya) P.S. Case No. 50 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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