

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40002 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- NAWADA District- Nawada

Manti Devi, Wife of Late Bhonu Choudhary, Resident of village- Tetrawan,
PS- Manpur District- Nalanda, Presently at village- Budhaul, P.S.- Nawada,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 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. Deepak Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nawada (Town) P.S. Case No. 384 of 2021
registered for the offences punishable under Sections
33/34/36/44 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that in
course of investigation, the police on the basis of confessional
statement of accused Dindayal Mishra, raided the house of the
petitioner from where some empty pouches of liquor were
found. On interrogation, the police came to know that some of



the persons used to consume liquor after purchasing it from the petitioner and some of them fell ill because of consumption of liquor. Thereafter, the petitioner was apprehended and she disclosed the name of other persons, from whom she used to purchase.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that nothing incriminating has been recovered from the person or possession of the petitioner, save and except nine used empty pouches. He further submits that the persons, who fell ill on account of consumption of liquor, they have never made any substantive complaint against the petitioner nor any F.I.R., has been instituted on the basis of their complaint. He next submits that the petitioner, being a lady, is in custody since 05.04.2021, having fair antecedent. He lastly submits that the investigation of the crime is already 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 lady, is in custody since 05.04.2021, though the investigation of



the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge Excise Judge-1, Nawada Chief Judicial Magistrate, Nawada in connection with Nawada (Town) P.S. Case No. 384 of 2021 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) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

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

