

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42186 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- AMNAUR District- Saran

BIJANTI DEVI W/o- Sunil Kumar Rai Resident of Village- Goroul, P.S.-
Amnour, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ashok Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Amnour P. S. Case No. 186 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information, raided the house of one Sunil Rai and found that the petitioner was engaged in serving liquor



to others, the police apprehended the petitioner at the spot and on search altogether 266.25 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the from the tenor of the F.I.R., it would be evident that the alleged recovery has been made from Dalan and Bhuskhol, which is in joint family possession and the petitioner cannot be held responsible for the same. It is also submitted that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. It is further submitted that the petitioner being lady is in custody since 30.06.2022, having fair antecedent and moreover, after completion of the investigation, 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 taking into account the fact that the petitioner being lady, is in custody since 30.06.2022 and after completion of the investigation, charge-sheet has been submitted, let the petitioner, above named, 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 Additional District and Sessions Judge- II-cum 1st Exclusive Special Excise Court, Saran at Chapra in connection with Amnour P. S. Case No. 186 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.

(Harish Kumar, J)

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