

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44487 of 2022**

Arising Out of PS. Case No.-258 Year-2022 Thana- BARAUNI District- Begusarai

REKHA DEVI Wife of Rajesh Chaudhary @ Katiman Chaudhary Resident of
Village - Bihat Jagir Tola, P.S.- Barauni (F.C.I. O.P.), District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 15 liters of of country made liquor.

Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. Further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the police has



planted the same and shown that the recovery has been made from house of the petitioner. Further submits that it appears from the FIR itself that none of the family members is seizure witness and there is non-compliance of Section 100 of Cr. P. C.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barauni (FCI O.P.) P.S. Case No. 258 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.



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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner have concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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