

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45189 of 2022**

Arising Out of PS. Case No.-340 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Suggi Devi @ Puja Devi Wife of Ghutarna @ Siddharth Rishidev R/O
Village- Mushari Tola, Noniapatti, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Naugachia P.S. Case No. 340/2021 registered for the offences
punishable under Sections 30(a)/32 of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 10 liters country made liquor behind the house of the
petitioner near the toilet. Local person disclosed the name of the
petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged place of occurrence. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 30.05.2022 and bears criminal antecedent of 03 cases of similar nature. There is no compliance of Section 100 Cr.P.C.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court No.2, Bhagalpur in connection with Naugachia P.S. Case No. 340/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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