

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46678 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MASAUDHI District- Patna

Mo. Barti Devi @ Barti Devi W/o Late Raj Kishore Manjhi @ Late Raj Kumar Manjhi Resident of Village - Taregandih, (Mushari), P.s.- Musaurhi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Sanjeev Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Masaurhi P.S. Case No. 247 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on confidential information, conducted raid in Taregana Masaurhi, however on noticing the police party the accused persons including the petitioner succeeded in fleeing away. It is further alleged that on search total 130 liters



of country made illicit wine was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from her person or possession and save and except the disclosure of the name of the petitioner, made by the local Chaukidar there is no materials against the petitioner. He further submits that the petitioner is a lady having fair antecedent, is in custody since 04.06.2022 and moreover, the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, moreover, the investigation of the crime is already complete and the charge-sheet has been submitted, apart from the petitioner having fair antecedent, is in custody since 04.06.2022, 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 Special Judge, Excise, Patna, in connection with Masaurhi P.S. Case No. 247 of 2022, subject to the condition that one of the bailors will be the close relatives 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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