

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47170 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- RIVILGANJ District- Saran

Usha Devi, W/O Sarvjit, Resident of village- Pachadeori, Sant Kabir Nagar
(Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rivilganj P.S. Case No. 213 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, on secret information police
intercepted a car and on its search, recovery of 77.760 litres of
foreign liquor was made from the said car. The petitioner was
apprehended from the car.

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



case. Nothing incriminating has been recovered from his conscious possession and she has no concern with the allegedly recovered illicit liquor. Petitioner is neither the owner nor the driver of the said car from which the recovery was made. The petitioner is in custody since 29.06.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from conscious possession of this petitioner and further considering the clean antecedent of the petitioner along with her period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Saran in connection with Rivilganj P.S. Case No. 213 of 2022 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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