

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60062 of 2021

Arising Out of PS. Case No.-321 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Shail Devi W/o- Nawal Sashani Resident of Village- Dhobauli Piar Bhela,
P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application is for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gaighat P. S. Case No. 321 of 2021 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police on secret information raided the house of the petitioner, from the court-yard of this petitioner, it is alleged that 100 litres mixture of *Mahua Mithha* and 2 litres country-made *Chulai* wine have been recovered.

Learned counsel for the petitioner submits that this



petitioner is a lady, aged about 62 years and even as per the seizure list, nothing has mentioned about recovery of 100 litres mixture of *Mahua* wine rather recovery of only seven litres of country-made wine has been shown therein. It is further submitted that this petitioner is in custody since 13.09.2021 and moreover, the investigation has been concluded and the charge-sheet has already been submitted in the present case.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the house of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is a lady, aged about 62 years and she is in custody since 13.09.2021 and there is no chance of absconding of the petitioner and tampering with the evidence, apart from the fact that the recovery of seven litres of country-made wine has been made from *Angan* of the petitioner, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Gaighat P. S. Case No. 321 of 2021, 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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