

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61304 of 2021

Arising Out of PS. Case No.-203 Year-2021 Thana- GOGRI District- Khagaria

1. RINKU DEVI Wife of Karelal Yadav @ Sunil Yadav Resident of Village - Khatha, Vijay Nagar Ward No. 9, P.S. - Gogri, District - Khagaria.
2. Swati Devi Wife of Pritam Kumar Resident of Village - Khatha, Vijay Nagar Ward No. 9, P.S. - Gogri, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 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 petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Gogri P.S. Case No. 203 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 100 liters of Java Mahua and 20 liters of country made Mahua.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent,



are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the house of co-accused, namely, Pritam Kumar, who is husband of petitioner No.2. He further submits that there is gross violation of Section 100 of the Cr.P.C. in the present case. He further submits that the petitioners have no concern with the alleged recovery of liquor. The police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 16.05.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Khagaria in connection with Gogri P.S. Case No. 203 of 2021 with the following conditions:-

(1) Petitioners 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, their bail bond shall be canceled by the Court below.

(2) If the petitioners 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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