

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51060 of 2022

Arising Out of PS. Case No.-271 Year-2020 Thana- HUSSAINGANJ District- Siwan

Shubhawati Devi, Wife Of Mukesh Kumar Kushwaha, Resident Of Village-
Tikari Dhobi Tola, P.S.- Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 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 Hussainganj P.S. Case No. 271 of 2020
registered for the alleged offences under Sections 272 and 273
of the Indian Penal Code and Sections 30(a), 41(i) and 44(2) of
the Bihar Prohibition and Excise Act.

As per prosecution case, police received information
about the petitioner and other co-accused persons dealing in
business of illicit liquor in a big way. A raid was conducted on
the house of the petitioner and total 1149.800 litres of India
made foreign liquor as well as country made liquor, respectively



was recovered from the house and other places of the petitioner.

The learned counsel for the petitioner submits that the petitioner is a lady and has been falsely implicated in this case. The petitioner has no concern with the seized liquor. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from her conscious possession. The recovery shown by the police has been made from a motorcycle and joint house of the petitioner so no liability could be fastened on her in this case. The co-accused son of the petitioner has already granted bail by a Co-ordinate Bench of this Court vide order dated 16.03.2021 passed in Cr. Revision No. 142 of 2021. The petitioner is in custody since 20.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and further considering 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, Siwan in connection with Hussainganj P.S. Case



No. 271 of 2020, 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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