

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51387 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- KALUAHI District- Madhubani

Kaushilya Devi @ Kushiya Devi @ Kaushalya Devi W/o late Laxmi Mahto,
D/o Late Sitaram Mahto Resident of Village - Kaluahi, P.s.- Kaluahi, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Today this case has been listed on priority basis, on

the urgent motion slip filed by the learned counsel for the

petitioner praying therein that the petitioner is a lady, aged about

65 years.

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. Vijay Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kaluahi P.S. Case No. 102 of 2022 (G.R. No.
1267 of 2022) registered for the offences punishable under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.



Allegation against the petitioner is to be engaged in sale of illicit liquor, the police conducted raid and on search 86.1 litres of Indian made foreign liquor was recovered from the house of the petitioner. It is further alleged that the petitioner was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house of the petitioner where several persons reside, however, the petitioner being an old widow lady only on account of her past criminal antecedent of identical nature has been implicated in this case. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He lastly submits that the petitioner is a lady, aged about 65 years, is in custody since 26.07.2022 and now the investigation of the crime is complete and charge-sheet has been submitted.

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, being an old widow lady, is in custody since 26.07.2022 and now the



investigation of the crime is complete and charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, 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 Additional Sessions Judge -II- cum- Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 102 of 2022 (G.R. No. 1267 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) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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