

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62205 of 2021**

Arising Out of PS. Case No.-278 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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PUNAM DEVI @ POONAM DEVI W/o MADAN YADAV R/o VILLAGE-
LAXMIPUR, P.S-BISHWAMBHARPUR, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Prince Kumar Mishra
For the Opposite Party/s :	Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The present Criminal Miscellaneous application has
been taken up out of turn sympathetically considering the fact
that the child of the petitioner is outside while the petitioner is in
custody.

At the outset, learned counsel appearing on behalf of
the petitioner submits that as the husband of the petitioner is
absconding, this bail petition may be heard subject to the
condition that the husband of the petitioner will surrender before
the Court below.

Let the defect(s) be removed within two weeks of the



complete start of the physical Court in normal course.

Petitioner who is in custody since 25.09.2021 seeks regular bail in connection with Excise Case No. 278 of 2021 dated 25.09.2021 registered for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that altogether 37.4 litres of country-made liquor was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. The raid was conducted while she was alone in her house as her husband had gone for earning livelihood. He further submits that there is every likelihood that due to enmity and village politics the petitioner has been shown to have been apprehended along with the illicit liquor. He further submits that she is only lady in the house to look after the little child aged about 9 years and considering sympathetically, the present petitioner may be released on bail.

Learned A.P.P., however opposes the prayer for bail.

Considering the rival submissions of the parties as well as the fact that the only child of the petitioner is outside and no one is there to take care of her child, the petitioner is



directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge II, Gopalganj in connection with Excise Case No. 278 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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