

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52813 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- KOTWALI District- Patna

SHOBHA DEVI W/o Sadhu Manjhi Resident of Village - Kamala Nehru
Nagar, P.S.- Kotwali, and Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Special
Case No. 2237/2022 arising out of Kotwali P.S. Case No.
209/2022 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2016/2018.

As per prosecution case, there is alleged recovery of
total 105.7 liters country made liquor from the house of the
petitioner and she apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 28.04.2022 and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concerned with the seized liquor. As per FIR, the said recovery was from the house of the petitioner but the said house is in abandoned condition and the petitioner was not residing in the same, therefore, the same is easily accessible to others also. Seizure list has not been prepared as per law and there is no compliance of Section 100 Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 2237/2022 arising out of Kotwali P.S. Case No. 209/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

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

(Alok Kumar Pandey, J)

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