

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63907 of 2021

Arising Out of PS. Case No.-359 Year-2021 Thana- PAROO District- Muzaffarpur

SUJITA DEVI Wife of Shri Subhash Kumar Mahto Resident of Village- Bara
Daud Koriya Tola, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 13.09.2021,
seeks regular bail in connection with Paroo P.S. Case No. 359 of
2021 for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
1225.440 litres of illicit liquor was recovered from two vehicles
bearing registration no. BR 06 GE 4048 and BR 06 GD 1603
and from kitchen shed of the school. Accordingly, seizure-list
was prepared.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and she has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. She has been forced to confess in the police custody which has no evidentiary value in the eye of law and is languishing in custody since 13.09.2021.

A report was called for from the District Transport Officer, Muzaffarpur from which it appears that the vehicle bearing Registration No. BR 06 GE 4048 is registered in the name of Ram Babu Sahani, S/o Chandradev Sahani, resident of Panchrukhi Mahamadpur, Balmi M Balmi, Muzaffarpur-843111 and the vehicle bearing Registration No. BR 06 GD 1603 is registered in the name of Akshaylal Shah, Son of Rajendra Sah, resident of Mohjamma Paroo, Muzaffarpur-843107.

From the pleading of the bail petition, it appears that the above named owners of the vehicle have not been made accused, though huge quantity of illicit liquor has been recovered from the aforesaid two vehicles.

Mr. Ajit Kumar, Learned A.P.P. for the State submits that considering the aforesaid facts, prima facie it appears that the petitioner Sujita Devi is wife of Shri Subhash Kumar Mahto and the petitioner has also made her specific statement that



neither she has any relation with the vehicles in question from where the alleged liquor has been recovered nor she has any connection so far as the school kitchen shed is concerned. He however has opposed the grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the court below is directed to forward the report of the District Transport Officer, Muzaffarpur to the Superintendent of Police, Muzaffarpur for taking necessary legal action as he deems fit and proper in the present case.

This court is of the opinion that nothing has been recovered from the conscious possession of the petitioner and she has been dragged in the present case on the basis of statement made by other accused persons before the police. Considering the aforesaid facts, the petitioner has made out a prima facie case to be released on bail. Accordingly, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Paroo P.S. Case No. 359 of 2021, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioner tampers 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.

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

(Purnendu Singh, J)

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