

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56410 of 2022

Arising Out of PS. Case No.-319 Year-2022 Thana- NAUTAN District- West Champaran

MANORMA DEVI W/o Arbind Mishra @ Praveen Kumar Mishra R/o
village- Areraj, P.S.- Areraj (Govindganj), District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Arun Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Today this case has been listed on the urgent motion
slip filed by the learned counsel for the appellant.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Umesh Kumar Gupta, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Nautan P. S. Case No. 319 of 2022
registered for the offences punishable under Section 414 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, it is alleged that the
police, on a secret information, conducted a raid and in course
of raid, they found that two persons on a motorcycle, one of
whom was a woman were going towards Gopalganj highway to



Nautan, who were, later on, intercepted. On search, altogether 21.600 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, is a lady, having fair antecedent, was not even aware as to what was being carried by the person, who was riding the motorcycle, she was only a pillion rider. It is also submitted that the petitioner has neither any concern with the motorcycle nor with the illicit liquor, however, on the fateful day as the co-accused, Sonu Kumar Singh was known to her, she had taken lift on his motorcycle and in the meantime, both of them apprehended by the police. It is further submitted that the petitioner having fair antecedent, is in custody since 06.06.2022, though, the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from joint possession of the petitioner and Sonu Kumar Singh, who was riding the motorcycle and moreover, the petitioner is a lady, is in custody



since 06.06.2022, though the investigation of the crime is already complete and the charge sheet has been submitted, 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, Bettiah, West Champaran in connection with Nautan P. S. Case No. 319 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She 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, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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