

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67476 of 2021

Arising Out of PS. Case No.-266 Year-2021 Thana- MADANPUR District- Aurangabad

Rita Devi, aged about 60 years, Gender-Female, Wife of Sitaram Pal @
Sitaram Bhagat Resident of Village - Paraiya More Tole Khiriyawan, P.S.-
Madanpur, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh, Sr. Adv with Mr. Bhaskar Shankar, Adv.
For the State	:	Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Madanpur PS Case No. 266
of 2021*, instituted for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case alleges recovery of 140 liters illicit
spirit from the petitioner's house.

Learned senior counsel representing the petitioner
submits that even as per prosecution case, the illicit spirit was



stored by co -accused. It is further submitted that recovery is not as per the mandatory procedure under Section 100 Cr. P.C. The petitioner, being lady, having no criminal antecedents, has become a victim of the circumstance and is in custody since 19-09-2021. The further submission is that investigation is also complete.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, fact of the petitioner being lady as also the period of custody and allegation that the illicit spirit was allegedly stored by co-accused, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *Additional Sessions Judge-II-cum Special Judge, Excise, Aurangabad*, in connection with *Madanpur PS Case No. 266 of 2021, General Registration No. 1280 of 2021*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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