

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62571 of 2022

Arising Out of PS. Case No.-437 Year-2022 Thana- MALSALAMI District- Patna

Smt. Vidya Devi @ Vidha Devi Wife of Lallan Rai Resident of Bundel Toli,
Pani Tanki, P.S.- Malsalami, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Umesh Kumar, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.1, at page no.2 of the bail petition, inadvertently, Section 35 of Arms Act and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, has been wrongly omitted.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Malsalami



P.S. Case No.437 of 2022 registered for the offence under Sections 25(1-b)a, 26 and 35 of Arms Act and Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 10.08.2022.

The allegation against the petitioner is to be having in possession of fire arms as 3 pistol, 1 *katta* and 27 live cartridges alongwith 400 ml of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation is available against the husband of this petitioner, as he succeed to ran away, petitioner was arrested and implicated in this case, who is otherwise innocent. It is submitted that recovery of alleged fire arms and liquor was made from the house, which is accessible by other family members and, as such, it cannot be said that recovery of alleged fire arms and liquor was recovered from the conscious physical possession of this petitioner. It is submitted that petitioner is a lady of clean antecedent and suffering from different ailments including brain tumor. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State,
opposes the prayer for bail.

In view of the facts and circumstances as mentioned
above as petitioner is a lady coupled with the fact that
chargesheet has been submitted, let above named petitioner
directed to be released on bail in connection with Malsalami P.S.
Case No.437 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Special Judge, Excise, Patna
City, Patna/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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