

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67977 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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MUNAR DEVI @ MUNNI DEVI Wife of Late Lakhan Sahani Resident of
Village - Jarang Takuna, P.S.- Gayghat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Gaighat P.S. Case No. 120 of 2021 registered for the offence

under Sections 272 and 273 and 34 of the Indian Penal Code

and Section 30(a), 41(1) and 36 of the Bihar Prohibition and

Excise Act.

Recovery is of 4 liters of country made liquor.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the Farm in question. Neither the petitioner was arrested from the spot nor he has got any concern with the alleged recovery. Moreover, the co-accused, namely, Sunil Sahani and Punita Devi, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 02.09.2021 and 10.09.2021 passed in Cr. Misc. No. 33363 of 2021 and Cr. Misc. No. 35575 of 2021, respectively. The petitioner is rotting in judicial custody since 11.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 120 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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