

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70729 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGAPATTI District- West Champaran

Mala Devi @ Mala Yadav, Wife of Nagendra Yadav, Resident of Village-
Fatehpur, Police Station- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Learned counsel for the petitioner is permitted to
make correction with regard to the name of the district in the
title portion of the application in course of the day.

Let the correction be carried out by NIC also.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Yogapatti P.S. Case No.37 of 2021
registered for the offences punishable under Sections 30(a),
30(D), 33, 34 and 36 of the Bihar Prohibition and Excise Act,
2016. He is in custody since 26.09.2021. The petitioner has got



no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, 54 liters of spirit was recovered from the possession of co-accused Nagendra Yadav and this petitioner happens to be the wife of said Nagendra Yadav.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that this petitioner happens to be the wife of Nagendra Yadav from whose possession the recovery has been made and the said Nagendra Yadav has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.67809 of 2021

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that this petitioner happens to be the wife of Nagendra Yadav and the said Nagendra Yadav has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.67809 of 2021, the petitioner has remained in custody since 26.09.2021, investigation against her is complete, she has no criminal antecedent and her presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds



of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Yogapatti P.S. Case No.37 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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 her 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

