

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70672 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- NARDIGANJ District- Nawada

1. BUDHNI DEVI @ BUDHANI DEVI W/o Late Budhai Choudhary Resident of Village - Pesh, P.S. - Nardiganj, District - Nawada.
2. Girja Devi W/o Dinesh Choudhary Resident of Village - Pesh, P.S. - Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Nardiganj P.S. case No.108/2021 registered under Sections 30(a), 41 of the Bihar Prohibition and Excise



Act, 2016.

The prosecution case, in short, is that 600 liters mahua solution is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. The names of the petitioners have transpired in this case on the basis of disclosure made by the local Choukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 600 liters mahua solution is recovered, which was kept inside the earth. The petitioners had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 Cr.P.C. Petitioners are ladies.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19



pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District and Sessions Judge IInd-cum-Special Judge, Nawada in connection with Nardiganj P.S. case No.108/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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