

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72223 of 2021

Arising Out of PS. Case No.-160 Year-2021 Thana- BENIPATTI District- Madhubani

Leela Devi W/O Late Pawan Ray Resident Of Village- Ladaut, P.S.-
Benipatti, Dist- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Benipatti
P.S. Case No. 160 of 2021 corresponding to G.R. No.
1300/2021 registered for the offences punishable under Sections
272, 273/34 of Indian Penal Code and 30(a), 41, 44 of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
279.750 litre foreign liquor from the house of the petitioner and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.07.2021 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that and petitioner is innocent and nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 160 of 2021 corresponding to G.R. No. 1300/2021 subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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