

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72310 of 2021

Arising Out of PS. Case No.-343 Year-2021 Thana- NAUBATPUR District- Patna

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BINDA DEVI W/o Shivpujan Chaudhary @ Shivjatan Chaudhary R/o
village- Korawan, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Special Case No. 4321 of 2021, arising out of Naubatpur P.S.
Case No. 343 of 2021 for the offence punishable under Sections
30(a)/37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

This case has been taken up out of turn in view of the
mentioning slip dated 26.04.2022 filed on behalf of the
petitioner that the husband of the petitioner namely Shivjatan
Chaudhary, Resident of village-Korawan, P.S.-Naubatpur,
District-Patna has died on 16.04.2022.



Allegation is of recovery of 100 litres of country made mahua liquor kept in different gallons under the chauki in the house of the petitioner

Learned counsel appearing on behalf of the petitioner submits that the husband of the petitioner namely Shivjatan Chaudhary has died on 16.04.2022. Petitioner is a poor lady aged about 55 years. She is innocent and has falsely been implicated in this case and the real culprit had fled away seeing the raiding team. Seizure list has not been prepared in accordance with law. She has no concern either with manufacturing of liquor nor its sale in any manner. Petitioner has clean antecedent and she is in custody since 16.07.2021.

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

Considering the period of custody undergone by the petitioner, petitioner is a poor lady and her husband has died while she is in custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.100,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Special Case No. 4321 of 2021, arising out of Naubatpur P.S. Case No. 343 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

This order will be produced before the concerned S.H.O. under whose jurisdiction the house of the petitioner is situated and he is directed to confirm as to whether above named person who is the husband of the petitioner has, in fact, died or he is alive.

Such report should be sent within two days after receipt of this order to the court below.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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