

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65971 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- CHANDRADIP District- Jamui

MARNI DEVI @ PHULWA DEVI Wife of Kishori Choudhary R/o Village -
Chourasa, P.S.- Chandradeep, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Chandradeep P.S. Case No. 133 of 2022, registered for the

offences punishable under Sections 272 and 273 of the

Indian Penal Code and Section 30(a) of Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per allegation, 8.2 litres of illicit liquor has been

recovered from a house.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 17.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in five other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Excise Court-I, Jamui in connection with Chandradeep P.S. Case No. 133 of 2022 on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedent despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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