

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67531 of 2022**

Arising Out of PS. Case No.-90 Year-2022 Thana- BODHGAYA District- Gaya

Muni Devi @ Munniya Devi @ Munniya Devi Wife Of Bindeshwar Manjhi
R/O Village- Katorwa, P.S.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bodh
Gaya P.S. Case No. 90 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.07.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 17
litres of illicit liquor, 204 Kg. of Jawa Mahua and 1000 Kg. of
Mahua flower.



Learned counsel appearing on behalf of the petitioner submitted that alleged recoveries were made from an open place i.e. Khalihan, which does not belong to this petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also pointed out that petitioner is involved in one more case, where, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the recovery of alleged illicit liquor and '*mahua*' flower are not appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bodh Gaya P.S. Case No. 90 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya/concerned court, subject to the



conditions, as mentioned under Section 437(3) of the Cr.P.C.,
with further condition:

“That Accused/Petitioner shall cooperate in the
trial and shall be physically present on each and every
date before the Trial Court till conclusion of the trial and
exemption from physical appearance be allowed by the
Trial Court, only on medical ground of the petitioner duly
supported by the document.”

(Chandra Shekhar Jha, J.)

S.Katyayan/-

U		T	
---	--	---	--

