

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65970 of 2022**

Arising Out of PS. Case No.-591 Year-2022 Thana- BODHGAYA District- Gaya

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SARITA DEVI W/o Rajesh Manjhi R/v- Agni, P.S.- Cherki, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Ms. Pushpa Sinha.1

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**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  
  
Bodhgaya (Cherki) P.S. Case No. 591 of 2022, registered  
  
for the offences punishable under Section 30(a) of Bihar  
  
Prohibition and Excise (Amendment) Act, 2022.

As per allegation, 07 litres of country made liquor  
  
was recovered from a plastic gallon.

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.  
  
He also submits that search and seizure has not been made



as per the procedure prescribed under Section 100 Cr. P.C.

The petitioner has been languishing in jail since 19.09.2022.

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 one other case.

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 Special Excise Court No.-1, Gaya in connection with Bodhgaya (Cherki) P.S. Case No. 591 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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