

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2460 of 2023

Arising Out of PS. Case No.-504 Year-2022 Thana- SITAMARHI District- Sitamarhi

NAGINA DEVI W/o Bhola Mahto @ Pardeshi Mahto R/o Ward no. 28,
Village- Rajopatti, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Sitamarhi (Mehsaul O.P.) P.S. Case No. 504 of 2022 under
section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon secret
information raided the house of the petitioner and recovered
21.6 liters of Nepali Saufi liquor. Seizure list prepared and FIR
was lodged.

Learned counsel for the petitioner submits that it is
common house of the petitioner in which number of persons
reside and the same cannot be attributed to her. Further, the



police has also given wrong name of her husband which Bhola Mahto and not Pardeshi Mahto.

Considering the aforesaid fact as also that the petitioner is a lady and do not have criminal antecedent, this Court is inclined to grant her the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of her arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Sitamarhi, in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 504 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her



bail bond by the Trial Court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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