

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25171 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- PIRI BAZAR District- Lakhisarai

Baishakhi Devi Wife Of Suga Sada Resident Of Village - Bariyarpur, P.S. -
Piri Bazar, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Piri Bazar P. S. Case No. 02 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation, 6 litres of country made mahua liquor was recovered from the house of the petitioner. It is further alleged that from the house of Rekha Devi and Kushuma Devi 10 litres of country made mahua liquor was recovered.

Ld. 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 as prescribed under Cr.P.C.

He further submits that the petitioner has been languishing in jail since 18.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in six other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional



District and Sessions Judge IV cum Special Excise Court 1st,
Lakhisarai, in connection with Piri Bazar P. S. Case No. 02
of 2023, 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 get hampered on account of her
absence or non-cooperation. He 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 antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing her and getting satisfied that
the petitioner has concealed her criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. 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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