

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40282 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- KALYANPUR District- Samastipur

GUJRI DEVI wife of Late Bhola Sahni R/V- Bhagwanpur Kauriya Ps-
Kalyanpur Dist- Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Kalyanpur P.S. Case No. 107 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 12.04.2023 by the informant, Sumant Kumar Singh.

The prosecution case, in brief, is that, on 11.04.2023, the informant and his police associates departed from the police station for patrolling and recovery of illegal liquor. During course of patrolling, when the police party reached Janardhan Chowk, he got secret information that accused-petitioner has brought liquor and selling it by keeping it in her house.

On that information, the police raided the house of the accused Gujri Devi, who although tried to escape was apprehended by the police. The apprehended lady disclosed her name as Gujri Devi (the petitioner herein). On search, total



214.2 liters of foreign liquor was/were recovered from the house. The police arrested the accused-petitioner. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioner that the hut was near the agricultural land which had access to everyone and the recovery/seizure of 214.2 liters of foreign liquor cannot be attributed to her. Further, even going by the allegation, the same is in joint hut and as such she cannot be made accused. The last submission is that she is in custody since 12.04.2023 (as stated in paragraph 6 of the petition) and do not have any criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner is a lady, has already suffered by being in custody since 12.04.2023 and do not have criminal antecedent, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court-1, Samastipur, in connection with Kalyanpur P.S. Case No. 107 of 2023 subject to the following conditions:

(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 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;

(iii) 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;

(iv) 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.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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