

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44699 of 2023**

Arising Out of PS. Case No.-43 Year-2023 Thana- JAYNAGAR District- Madhubani

Chandrakala Devi Wife of Late Suresh Sah Resident of Village - Sahid
Chowk, P.S. - Jaynagar, District - Madhubani

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with G.R. No.
203/23 arising out of Jaynagar P.S. Case No. 43 of 2023 registered
for the offence under Sections 272, 273/34 of the Indian Penal Code
and 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 13.04.2023.

5. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of IMFL/country made liquor from the house.

6. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor appears to



be made from the house, which is jointly occupied and as such, it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. It is further submitted that compliance of Section 100(4) of Cr.P.C. not appears to be followed regarding search of premises in present case. It is also submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where she is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with G.R. No. 203/23 arising out of Jaynagar P.S. Case No. 43 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the



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

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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