

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46059 of 2023

Arising Out of PS. Case No.-551 Year-2023 Thana- ALAMGANJ District- Patna

SAVITA DEVI S/o- LATE DILIP YADAV Mohalla- Pathari Ghat Devi
Asthan Ps- Alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Alamganj P.S. Case No. 551 of 2023 registered for the offence
under Sections 30(a), 36 of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 21.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 100 litres of IMFL/country made liquor from
behind the house.

5. Learned counsel appearing on behalf of the
petitioner submitted that 80 litres of 100 litres alleged illicit liquor
appears to be recovered from nearby place to the house of this



petitioner, which is an open place and accessible by general public and just to aggravate the allegation 20 litres of illicit liquor was shown in plastic bag carrying by him and as such it can be safely said that recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as maximum of alleged illicit liquor appears to be recovered from an open place, where petitioner is in custody since 21.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Alamganj P.S. Case No. 551 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 Exclusive Special Judge Excise, Patna City/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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