

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56873 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

=====

BINA DEVI @ VINA DEVI WIFE OF RAMESHWAR SAHU RESIDENT
OF VILLAGE / MOHALLA - CHUNABHATTI, P.S. -L.N.M.U., DISTRICT
- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Sharda Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with L.N.M.U. P.S. Case No. 13 of 2023 registered under
Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016
lodged on 16.01.2023 by the informant, Suresh Prasad Gupta.

As per the prosecution story, the allegation is that on
information, the police searched the ‘hut’ and 90 liters Nepali
liquor recovered/seized. The said ‘hut’ belongs to the petitioner.
Accordingly, the FIR.

It is the case of the petitioner that she is a lady, the
‘hut’ is an open place frequented by everyone, nothing has been
recovered from his conscious possession and is in custody since



15.06.2023 (as stated in paragraph-11 of the petition).

Learned APP for the State opposes the prayer for bail stating that the recovery is from her 'hut'.

Considering the aforesaid facts/submissions, the petitioner is a lady and has suffered by being in custody since 15.06.2023 and admittedly, the recovery is not from her conscious possession, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise -II, Darbhanga in connection with L.M.N.U. P.S. Case No. 13 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 his/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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

