

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57818 of 2023

Arising Out of PS. Case No.-525 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Babita Devi W/O Dilip Sah @ Dilip Kumar R/O Village- Jiwachpur, Ward
No. 06, P.S. and Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
30.07.2023 in connection with Madhepura Excise P.S. Case No.
525 of 2023, F.I.R. dated 29.07.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

3. Recovery is of 49.320 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and she has
falsely been implicated in the present case mainly on the basis
of suspicion. Further submits that from a bare perusal of the FIR
as well as the seizure list that nothing has been recovered from



conscious possession or the house of the petitioner rather the recovery has been made from the old house which was situated in front of the house of the petitioner and altogether 49.320 liters of foreign liquor was recovered and there is non-compliance of Section 100 of Cr.P.C. and the petitioner is in custody since 30.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession or the house of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura in connection with Madhepura Excise P.S. Case No. 525 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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