

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58608 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- KASMA District- Aurangabad

Manju Devi W/O Late Samta Yadav R/O Village- Dholi Khap, P.S- Kasma,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
24.07.2023, in connection with Kasma P.S. Case No. 117 of
2023, F.I.R. dated 23.07.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 65.875 litres of illicit *liquor*.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and she has been falsely implicated in
the present case. He further submits that it appears from the
F.I.R. as well as seizure list that nothing has been recovered
from the conscious possession of the petitioner rather recovery
has been made from the house of the petitioner and altogether



65.875 litres of illicit liquor has been recovered from the house of the petitioner. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the petitioner is in custody since 24.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Excise Court-I, Aurangabad in connection with Kasma P.S. Case No. 117 of 2023, subject to the following conditions :-

(1) 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 her criminal antecedents, 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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