

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59049 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- PAHARPUR District- East Champaran

RUBI DEVI Wife of Thakur Patel R/o vill - Balua Tharahati, P.S. - Paharpur,
Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Paharpur P.S. Case No. 136 of 2023 registered under Sections 304, 308, 328, 201/34 of the Indian Penal Code and Section 30 (a), 34, 37 and 41 of the Bihar Prohibition and Excise Act, 2018 lodged on 15.04.2023 by the informant, Abhinav Kumar Dubey.

3. As per the prosecution story, on night patrolling, the police came to inform that some persons have died due to intake of spurious liquor and in connection with that the name of the petitioner cropped up.

4. It is the case of the petitioner that there is no eye witness to the fact actually where the spurious liquor was/were



consumed by the persons who died. Further, one of the survivor has named her husband Thakur Patel, none has named this lady and she has been remained in custody since 20.04.2023 (as stated in paragraph-11 of the petition) and do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail stating that people died after consuming spurious liquor and it is alleged that they consumer from the place where this couple reside.

6. Considering the submissions put forward by the learned counsel for the parties, facts on record, she is a lady and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. 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 Exclusive Excise Court No.1, East Champaran in connection with Paharpur P.S. Case No. 136 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)

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