

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62141 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

ANITA DEVI W/O NARESH MANJHI R/O VILLAGE- NAWADIH,
SANTANPUR, AT PRESENT VILLAGE- NIMA, DOHAR MORE, PS.
FATEHPUR, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gaya
Rail P.S. Case No. 213 of 2023 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 66 liters of country made mahua
liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that on bare
perusal of the F.I.R. and the seizure list, it appears that
altogether 66 liters of mahua liquor has been recovered from
the conscious possession of the petitioner. He further



submits that in fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the train in question and merely on the basis of suspicion, this petitioner has been apprehended in this case. He further submits that the petitioner has no concern at all with the alleged recovery. The petitioner is rotting in judicial custody since 28.07.2023.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Exclusive Special Excise Court No.2, Gaya in connection with Rail Gaya P.S. Case No. 213 of 2023 with 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 his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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