

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70622 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- CHAKAND District- Gaya

Gudiya Devi W/O Late Santosh Chaudhary Village- Gannu Bigha, Ps.
Chakand, Distt. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-11-2023 Heard Mr. Mahendra Thakur, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Chakand P.S. Case No. 251 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. Allegedly, in course of of raid, 20 litres country-
made wine is recovered from the house of the petitioner.

4. It is submitted on behalf of the petitioner that the
petitioner is a hapless lady having fair antecedent and so far as
the alleged recovery is concerned, allegedly the same was
recovered from a joint family house of the petitioner, where
several persons reside but surprisingly none of the male



members have been made accused in this case. In fact, on the alleged date of occurrence, some altercation took place between the police personnel and the petitioner resulting into lodging of the present crime. Further submission has been made that even the seizure list falsifies the prosecution, as neither any family member is witness to the seizure nor the copy of which has been handed over to any family members which shows that the same is manufactured one. Be that as it may, he lastly submits that the petitioner being a lady undertakes that she will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house, apart from other infirmities in search and seizure, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Excise Court No. 4, Gaya, in connection with Chakand P.S.
Case No. 251 of 2023, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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