

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74885 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- DARIHAT District- Rohtas

=====

KABUTARI DEVI W/O LATE KRISHNA CHAUDHARY R/O VILLAGE-
DARIHAT, P.S- DARIHAT, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pronoti Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Darihat P.S. Case No. 47 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there was alleged
recovery of 20 litre illicit liquor from the sack which was
carried by the petitioner on her head. Petitioner apprehended on
the spot and two persons succeeded in fleeing away from the
place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner being a lady languishing in custody since 21.02.2023
and bears criminal antecedent of four cases and she is on bail in



all cases. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the place of recovery is an open place which is accessible to all. Petitioner has no concern with the alleged occurrence. There is no compliance of Section 100 of Cr.P.C. Petitioner is quite innocent and has falsely been implicated in the present case. In the light of the aforesaid fact and circumstance, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, petitioner being a lady, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Exclusive Special judge, Court No. 1, Rohtas at Sasaram in connection with Darihat P.S.



Case No. 47 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

