

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74420 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- SIRDALA District- Nawada

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Kunti Devi Wife Of Late Kedar Choudhary R/O Vill.- Bardaha, P.S.- Sirdalla,
Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends her arrest in connection
with Sirdalla P.S. Case No.288 of 2022 instituted under Section
30(a), 37(c), 41 of the Excise Act.

As per the prosecution story, the police upon
information raided the house of the present petitioner as also of
Puniya and the allegation is of recovery of 13 liters from this
petitioner's house as also 11 liters from the house of Puniya
Devi. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that
petitioner is widow lady living with the other family members.
It is a joint residential house and the petitioner had not



knowledge about the seized article.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner is a widow, do not have criminal antecedent, it is a joint family house, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Sirdalla P.S. Case No.288 of 2022 to the satisfaction of learned Exclusive Special Excise Court, Ist, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further 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 will make herself available to the police as and when required in course of investigation;

(iii) 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;

(iv) 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 the bail bonds;

(v) 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)

Prakash Narayan /-

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