

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8868 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- KAMTAUL District- Darbhanga

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Babita Devi W/o Late Pappu Sahani RESIDENT OF VILLAGE -
MOHAMMADPUR, POLICE STATION - KAMTAUL, DISTRICT -
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 16-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kamtaul P.S. Case No.259 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of 40.8 litres of
illicit liquor from near the hand pump situated adjacent to the
house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner rather the same was recovered from open place, which is accessible to general public. It is further submitted that the petitioner has no concern with the alleged recovery of illicit liquor and she is a widow lady. It is further submitted that petitioner is in custody since 08.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, be directed to be released on bail, ***after framing of the charge***, in connection with Kamtaul P.S. Case No.259 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act, Darbhanga.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioner shall present



physically on each and every date before the Trial Court till
conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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