

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31699 of 2024

Arising Out of PS. Case No.-267 Year-2022 Thana- DIGHA District- Patna

Sundari Devi @ Munakiya Devi Wife of late Somar Manjhi Resident of
Mohalla-Nacha Bagicha Musahari, P.S.-Digha, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Aryan Singh, 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 Digha P.S. Case No. 267 of 2022, registered for the
offences punishable under Sections 30(a)/37(b)(c) of the Bihar
Prohibition and Excise Act.

3. The police on a secret information with regard to
manufacturing of country-made liquor raided the house of the
petitioner. In course of search, total 17 litres of country-made
liquor was recovered. The police also apprehended one Keshu
Manjhi who is said to have been found in a drunken condition.
On interrogation, the apprehended person disclosed that he and
his mother-in-law are indulged in manufacturing and selling of



liquor leading to institution of the FIR.

4. Learned counsel for the petitioner contended that during the entire investigation no material has come that the petitioner is the owner of the house in question from where the recovery has been made. Learned counsel further drew the attention of this Court to the search and seizure and submitted that co-accused Keshu Manjhi was arrested at 5:55 pm, whereas the seizure list had been prepared at 5:40 itself; this fact casts a suspicion over the prosecution case as it has been narrated in the FIR that co-accused Keshu Manjhi has disclosed the name of the petitioner that she is indulged in manufacturing and selling of liquor resulting into search and seizure. It is further contended that the petitioner is a lady, aged about 62 years, having no criminal antecedent and sending her behind the bars shall not serve any purpose. Referring to the seizure list, it is also contended that the witnesses are non-else but the police officials, despite the fact that the alleged recovery is said to have been made in a broad daylight in presence of the neighbours and others.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the recovery of illicit wine has been made from the house of the



petitioner and her name has been disclosed by the apprehended person.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady aged about 62 years having fair antecedent, coupled with the fact that there is no material suggesting that the petitioner is the owner of the house in question, let the petitioner abovenamed be released on bail, in the event of her 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge Excise-II, Patna in connection with Digha P.S. Case No. 267 of 2022, 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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