

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41015 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- Excise P.S. District- Nawada

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Aano Devi Wife of Tulsi Manjhi R/O Vill.- Sadipur, P.S.- Kadirganj, Dist.-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-06-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned APP appearing on behalf of
- the State.
2. The petitioner seeks bail in connection with
- Excise P.S. Case No. 319 of 2024 registered for the
- offence under Section 30(a) of the Bihar Prohibition of
- Excise Act.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 30.04.2024.
4. The allegation against petitioner is to have in
- possession of 5 litres of country made illicit liquor and
- also alleged to be engaged in illegal trade arises out of



said illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the plastic bag from where illicit liquor was recovered is not connected in any manner with this petitioner, and as such, it can be said safely that recovery of illicit liquor not appears *prima facie* from the conscious physical possession of this petitioner. It is pointed out that seizure list also appears doubtful being not supported by independent witnesses rather by police personnels, despite of availability of independent witnesses at the time of preparing seizure list. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where she is on bail.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of fact as petitioner is a lady, who is in custody since 30.04.2024, accordingly, petitioner above named, is directed to be



released on bail in connection with Excise P.S. Case No. 319 of 2024 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 Excise Court-2, Nawada/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical



appearance be allowed by the Trial
Court, only on medical ground of the
petitioner duly supported by the
documents.

(Chandra Shekhar Jha, J)

veena/suruchi-

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