

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59949 of 2024

Arising Out of PS. Case No.-259 Year-2024 Thana- Excise P.S. District- East Champaran

Sabita Devi, S/o- Bhuli Prasad @ Bhuli Prasad Sah, Resident of village-
Pakaridayal, Ward no 07, P S - Pakaridayal District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Ajay Kumar Singh, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Excise (Madhuban) P.S. Case No. 259 of
2024 registered for the offence punishable under Section 30 (a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation against the petitioner is of indulged in
sale of illicit liquor, the police conducted raid and on search,
recovered 46 litres of Indian made foreign liquor beneath the
Tarpaulin kept near the house of the petitioner.

4. Learned Advocate for the petitioner contended that
the narratives made in the F.I.R. clearly suggest that the entire
recovery has been made from the side of the road and the illicit
foreign liquor was kept beneath the Tarpaulin. The place from



where the recovery has been made is a public place and is accessible to all and the petitioner cannot be held responsible for the same. That apart, the petitioner is a lady and has been incarcerated since 09.07.2024. The seizure list witnesses are none else, but the police personnel, which also smacks malafide on the part of the police. Now the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady, having been incarcerated since 09.07.2024, the investigation of the crime is incomplete moreover the alleged recovery has been made from a public place, let the petitioner, named above, be released on bail 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 Excise Court No.02, East Champaran at Motihari in connection with Excise (Madhuban) P.S. Case No. 259 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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