

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61959 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- DEHRI TOWN District- Rohtas

Sarita Devi @ Sanipa Kharwar, W/o Pandey Kharwar, R/o- Maninagar Nahar
par, PO- Dehri, P.S.- Dehri Town, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashish, Advocate
For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Dehri(Town) P.S. Case No.
225 of 2024 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is of storing
and selling of illicit liquor. The police conducted raid however,
noticing the police party allegedly the petitioner succeeded in
fleeing away who was later on identified by the local people as
the petitioner. On search total 230.40litres of country made
liquor was recovered from a store room situated at the back of
the house of the petitioner.



4. Learned Advocate appearing on behalf of the petitioner contended that the narratives made in the FIR clearly suggest that the name of the petitioner has been disclosed by local people however, it has not been revealed that who disclosed the name of the petitioner. In fact, on account of her past two criminal antecedent, her name has been implicated in this case only on suspicion. So far the alleged recovery from the store room of the petitioner is concerned, that is situated back of the house of the petitioner, which is in abandoned condition and easily accessible to all. Had the alleged recovery been made from the house of the petitioner, there would have been certainly signature of any family members, moreover, the seizure list witnesses are none else, but the police personnels and thus smacks *malafide*.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner speaks loud about the complicity of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the place of occurrence, nor the alleged recovery has been made from the house of the petitioner,



rather the same is said to have been recovered from the store room which is situated outside the house, coupled with the infirmities in the search and seizure and the fact that the petitioner is a lady having remanded on 21.05.2024, 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 Court of Exclusive Special Judge, Excise 1, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 225 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.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

