

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78911 of 2024

Arising Out of PS. Case No.-766 Year-2023 Thana- Excise P.S. District- Nalanda

Rekha devi Wife of Chandan Kumar, Resident of Village - Faidali Bigha, P.S.
- Barbigaha, District – Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-12-2024 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 Nalanda Excise P.S. Case No. 766 of 2023
registered for the offence under Section 30(a), 32
of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the
F.I.R. and is in custody since 20.09.2024.

4. After cancellation of bail bond, where
petitioner was enjoying her privilege of bail, as
granted by this Court through Cr. Misc. No. 61102
of 2023 dated 15.09.2023, she was taken into



custody by the learned trial court. it is submitted by learned counsel that none appearance of petitioner on 30.08.2024 before the learned trial court was neither intentional nor deliberate, rather due to certain compelling circumstances, which was beyond her reach. It is submitted that the fixed date of hearing, as it was 30.08.2024, was not communicated to petitioner and in lack of knowledge, she failed to appear before the learned trial court. It is submitted that the petitioner shall remain careful in future.

5. Considering the facts and circumstances, as this is a case of first misuse, where petitioner is in custody since 20.09.2024, where none appearance not appears *prima facie* intentional/deliberate, accordingly petitioner above named, who is a lady is directed to be released on bail in connection with Nalanda Excise P.S. Case No. 766 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-



IV-cum-Special Judge Excise-II, Nalanda/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS, with further condition that:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date after framing of charge 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)

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