

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78550 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- DUMRAO District- Buxar

Raj Kumari Devi W/O Late Brahma Paswan @ Brahmdev Paswan Resident
of village- Kulvaha, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate
For the State : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Dumraon P.S. Case No. 293 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 07.09.2024 by the informant, Bipin Kumar.

3. As per the prosecution story, the informant upon secret information raided the house of the petitioner and recovered/seized 161.420 liters of country made liquor from her kitchen/bedroom which led to the F.I.R., arrest.

4. Learned counsel for the petitioner submits that no such recovery has been made by the police inasmuch as the seizure list does not have her Right Thumb Impression. She do not have criminal antecedent and is in custody since 08.09.2024



(paragraph no.10 of the petition).

5. Learned APP for the State opposes the prayer submitting that the recovery/seizure is from the kitchen/bedroom.

6. Having heard learned counsel for the parties, though the police alleged who have recovered the liquor from the kitchen/bedroom, this Court has gone through the seizure list which does not show any RTI of the petitioner. It is surprising that the police either to save the accused and/or for oblique reason does not even take the RTI of an accused before preparation of seizure list, the petitioner has no criminal antecedent and is in custody since 08.09.2024, this Court is inclined to extend her the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-1, Buxar, in connection with Dumraon P.S. Case No. 293 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

8. Let a copy of the order be sent to the office of Superintendent of Police, Buxar to peruse the same and see to it that the seizure list henceforth must have the signature/LTI/RTI of the accused.

(Rajiv Roy, J)

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