

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83468 of 2023

Arising Out of PS. Case No.-256 Year-2023 Thana- DIGHWARA District- Saran

SONI DEVI WIFE OF BIJAY NUT R/O VILLAGE- BASTI JALAL, NUT
TOLI, P.S.- DIGHWARA, DISTRICT- SARAN, CHHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dighwara P.S. Case No. 256 of 2023 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, altogether 113.500 litre country made liquor was recovered from back portion of house of the petitioner.

4. Learned counsel for the petitioner submits that basically no incriminating article has been recovered from the conscious possession of the petitioner rather the alleged article has been recovered from the back portion of house of the



petitioner which is accessible to all. He further submits that petitioner is a lady and she is in custody since 03.08.2023. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases in which she is on bail. Petitioner is quite innocent and has committed no offence as alleged against her in F.I.R.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Ist, Saran at Chhapra or concerned court, Saran at Chhapra in connection with Dighwara P.S. Case No. 256 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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