

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84735 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- PATNA CITY CHOWK District- Patna

POONAM DEVI @ POONAM KUMARI D/O OF VIJAY YADAV @ VIJAY PRASAD RESIDENT OF VILLAGE- MORCHA ROAD, P.S.- CHOWK, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Special Case No. 167 of 2023 arising out of Chowk P.S. Case No. 04 of 2022 registered for the offences punishable under Sections 30(a), 30(c), 32(2), 32(3), 34, 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, there was alleged recovery of total 432 litre country made liquor from the house of co-accused Gopal Yadav and apprehended co-accused, Annu Devi, disclosed the name of petitioner and others who are said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is in custody since 18.10.2023 and bears criminal antecedent of three cases in which she is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that except disclosure of co-accused Annu Devi, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. Nothing has been recovered from conscious possession of the petitioner. Petitioner is not apprehended on the spot. He further submits that co-accused, Annu Devi, has already been granted bail vide Cr. Misc. No.17658 of 2022 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused has already been granted bail, 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 Court of Excise, Patna City in connection with Special Case No. 167 of 2023 arising out of Chowk P.S. Case No. 04 of 2022, 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)

vashudha/-

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

