

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84037 of 2024

Arising Out of PS. Case No.-843 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Shivani D/O Lilu R/O Village- Karpuri Puram, Govindpur, P.S- Kavinagar,
District- Gaziabad, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Kaimur (Bhabua) P.S. Case No. 843 of 2024 for the offence under Sections 30(a) , 32(i), 32(iii), 41(i), 41(2) of Bihar Prohibition and Excise (Amendment) Act 2022 lodged on 02.11.2024 by the informant, Bhola Prasad Chourasia.

3. As per the prosecution story, the informant alleged that a Hyundai Car was intercepted, searched, which led to recovery of 261 liter foreign liquor. This led to the FIR and the arrest of the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that she was coming to Ara from Ghaziabad having no knowledge about the presence of liquor. After alighting at Varanasi from the bus , she got a lift and stands implicated. The last submission is that



without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- for the installation of the Steel Benches/beautification of the Civil Court Campus, Kaimur (Bhabhua) through Demand Draft issued by the local Branch of the State Bank of India.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that she was also present in the car.

6. Taking into account the aforesaid facts/submissions put forward by the parties as also that the petitioner is a lady, having no criminal antecedent, is in custody since 02.11.2024, this Court is inclined to extend her the privilege of bail with conditions Subject to payment of Rs. 15,000/- by the petitioner for the installation of the Steel Benches/beautification of the Civil Court Campus, Kaimur (Bhabhua) issued by the local branch of the State Bank of India and the receipt of the purchases have to be submitted to the learned Trial Court.

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)-II, Kaimur at Bhabua in connection with Kaimur (Bhabua) P.S. Case No. 843 of 2024 subject to the



following conditions:

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

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 no 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 her bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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