

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84218 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- MALAHI District- East Champaran

Sita Devi W/O Sharma Chaudhary Resident of village- Sakhwa Nawka Tola,
P.S- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024 Heard Mrs. Laxmi Jha, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Malahi P.S. Case No. 65 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 29.09.2024 by the informant, Vineet Kumar.

3. As per the prosecution story, the police upon information raided the house of the petitioner and recovered/seized 21 liter country made liquor from the said house besides 4 liter from the other accused. This led to the FIR.

4. It is the case of the petitioner that the house is a joint property, she being the housewife, present at the place, got implicated and is in custody since 30.09.2024. Further, she has no criminal antecedent.



5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submissions as also the fact that she is an aged lady, having no criminal antecedent and recovery/seizure is from a joint house, this Court is inclined to extend her the privilege of bail with conditions.

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 Excise Court No.-1 Motihari, East Champaran in connection with Malahi P.S. Case No. 65 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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