

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84970 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- BASOPATTI District- Madhubani

1. Punam Devi Wife of Bhola Sahni Resident of Village - Bundelkhand, P.S. - Basopatti, District – Madhubani.
2. Shailo Devi Wife of Brahamdeo Sahni Resident of Village - Bundelkhand, P.S. - Basopatti, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Basopatti P.S. Case No. 224/2023 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of total 135 liters illicit liquor near the Barra Dam and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioners. The petitioners are languishing in custody since 11.10.2023 and bear no criminal antecedent. He further submits that the petitioners are not in any way connected with the alleged occurrence and they are not concerned with the seized liquor.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 224/2023, 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) Petitioners 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 petitioners tamper 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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