

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85309 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- DORIGANJ District- Saran

Geeta Devi S/O- Bhuar Nat Village- Ismailpur Ps- Doriganj Dist- Saran At
Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Doriganj P.S. Case No. 229 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. As per prosecution case, on 17.07.2023 the
informant got secret information that petitioner alongwith other
was selling the illicit liquor by hiding the same in bush near the
Cemetery Temple at village Khawaspur. Thereafter, the
informant alongwith police official reached there and recovered
200 illicit liquor from the bush. Petitioner was not apprehended
on the spot.

4. Learned counsel for the petitioner submits that



petitioner is not apprehended on the spot rather her name has been transpired in this case on the basis of secret information and the source of secret information has not been disclosed. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. Petitioner is in custody since 31.08.2023 and bears criminal antecedent of one case in which she is on bail. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and she has falsely been implicated in the present case. There is no compliance of Section 100 of Cr.P.C.

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, petitioner is not apprehended on the spot, 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 Judge, Saran at Chapra in connection with Doriganj P.S. Case No. 229 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)

alok/-

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

