

(2021) 01 PAT CK 0010

In the Patna High Court

Case No : Criminal Miscellaneous No. 31797 Of 2020

Rekha Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 30(a)

Citation : (2021) 01 PAT CK 0010

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sunil Kumar, Ram Naresh Roy

Final Decision : Disposed Of

Judgement

1. Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Ram Naresh Roy, learned Additional Public Prosecutor (hereinafter referred to

as the APP for the State.

2. The petitioner is in custody in connection with Rajgir PS Case No.208 of 2020 dated 25.06.2020, instituted under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from her house 72.840 litres of foreign liquor was recovered.

4. Learned counsel for the petitioner submitted that though she is the owner of the house, but whatever recovery has been made, does not belong to

her and further, that besides being a lady, she has no criminal antecedent. Learned counsel submitted that the petitioner is in custody since 27.06.2020.

5. Learned APP submitted that recovery has been made from the house belonging to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail

upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional

District and Sessions Judge III-cum-Special Judge (Excise), Nalanda at Biahrrsharif, in Rajgir PS Case No.208 of 2020, subject to the conditions (i)

that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour

of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she shall not indulge in any illegal/criminal activity, act in

violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds

or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and

every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

7. The application stands disposed off in the aforementioned terms.