
(2021) 01 PAT CK 0213

In the Patna High Court

Case No : Criminal Miscellaneous No. 28068 Of 2020

Rukmina Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 25-01-2021

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 30(a)
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 01 PAT CK 0213

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Satyendra Rai, Md. Arif

Final Decision : Disposed Of

Judgement

1. Heard Mr. Satyendra Rai, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the **â??APPâ??**) for the State.
2. The petitioner apprehends arrest in connection with Sidhwalia PS Case No.97 of 2020 dated 27.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the **â??Actâ??**).
3. The allegation against the petitioner is that on information that the petitioner along with another person had kept liquor in their house, when the police went, two persons ran away and from the canal near the house of the petitioner, 26 litres country made liquor in three gallons was recovered.
4. Learned counsel for the petitioner submitted that she is a lady and has no connection with the recovered articles as the same was not recovered either from her conscious possession or from her house. Learned counsel submitted that the petitioner is accused in Sidhwalia PS Case no.98 of 2020,

which was also of the same Police Station lodged on the same day under Section 30(a) of the Act.

5. Learned APP submitted that the petitioner ran away from her house and the police have recovered the liquor from the canal near her house.

However, he did not controvert that no recovery has been made from the house of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand)

with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Gopalganj, in

Sidhwalia PS Case No.97 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (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.