

**(2020) 01 PAT CK 0010**

**In the Patna High Court**

**Case No : Criminal Miscellaneous No. 80451 Of 2019**

Sangita Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision : 06-01-2020**

**Acts Referred:**

Bihar Prohibition And Excise Act, 2016 — Section 30(a), 41(1)  
Code Of Criminal Procedure, 1973 — Section 438(2)

**Citation : (2020) 01 PAT CK 0010**

**Hon'ble Judges : Ahsanuddin Amanullah, J**

**Bench : Single Bench**

**Advocate : Udit Narayan Singh, Gajendra Kumar Singh, Amarendra Prasad**

**Final Decision : Dismissed**

## **Judgement**

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends arrest in connection with Bhagawanpur Hat PS Case No. 179 of 2019 dated 01.09.2019 instituted under Sections 30 (a) and 41 (1) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation against the petitioner is that from her courtyard, upon digging the police recovered 2.34 litres of foreign liquor.
4. Learned counsel for the petitioner submitted that the petitioner and her husband have been made accused and from the courtyard of their house it is alleged that the recovery has been made upon digging the ground. Learned counsel submitted that at best, the husband being the guardian was responsible and only because the petitioner also lived in the house along with the husband, she has been made accused without there being any complicity on her part. It was further submitted that the petitioner being a lady, has no criminal antecedent.
5. Learned APP did not controvert the fact that from the courtyard of the house

which belongs to her husband, 2.34 litres of liquor has been recovered.

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 four 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 learned ADJ-II-cum-Special Judge Excise, Siwan in Bhagawanpur Hat PS Case No. 179 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that she shall not indulge in any criminal activity. 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 appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.