

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3052 of 2024

Arising Out of PS. Case No.-388 Year-2022 Thana- SUGAULI District- East Champaran

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Bachiya Devi, Wife of Dharni Sahani Resident of Village - Mehwa, P.S.-
Sugauli, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sugauli P.S. Case No. 388 of 2022, lodged on 24.08.2022 under
Sections 272/273/414/34 of the IPC read with section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, FIR has been lodged
against the 7 named accused persons including the present
petitioner. Total 51 litres of illegal wine has been recovered
which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that upon secret information, the police reached
near the village and from where, the police has recovered total
51 litres of illegal *desi* wine and it has been disclosed by the
local people that the place is the bathan (gawash) of Dharni
Sahani and the petitioner is his wife. Counsel further submits



that there is one criminal case pending against the petitioner in which she is on bail. The petitioner is in custody since 09.10.2023 in the present case.

5. Learned counsel for the petitioner submits that the petitioner is a female and her name has been figured in this case only due to the reason that her husband is also accused in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and there is an allegation that petitioner and her husband both used to prepare illegal wine.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.I, Civil Court, Motihari at East Champaran in connection with Sugauli P.S. Case No. 388 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

r shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only after Trial Court on being satisfied with the affidavit to be submitted by the petitioner before the Trial Court indicating therein that he is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Sugauli P.S. Case No. 11 of 2023.

(Dr. Anshuman, J.)

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