

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20434 of 2017**

Arising Out of PS.Case No. -397 Year- 2016 Thana -ARARIA District- ARARIA

=====

1. Etwari Murmu @ Atwari Hembarar, S/o Ganesh Murmu  
2. Tara Devi , W/o Mangal Murmu  
All residents of Village - Rampur Kodarkatti, Ward No. 13, P.S. & District  
Araria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh  
For the Opposite Party/s : Sri Sanjay Kumar Sharma

=====

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      13-07-2017                      Heard Sri Anil Prasad Singh, learned counsel for the  
  
petitioner and Sri Sanjay Kumar Sharma, learned Additional  
  
Public Prosecutor.

Two petitioners, have approached this court with a  
prayer to extend the privilege of anticipatory bail in Araria P.S.  
Case No. 397 of 2016 registered for the offence under section  
272/ 273 of the Indian Penal Code and Section 47/ 48/51 of the  
Bihar Excise Amendment Act, 2016.

It was submitted by learned counsel for the petitioners  
that though in the F.I.R. it was alleged that on secret information  
raid was conducted in the premises of the petitioners and recovery  
of country made liquor was shown, but seizure list suggests that



nothing was recovered from the premises of the petitioners. Learned counsel for the petitioners has drawn my attention to the seizure list at page no. 16 and submits that seizure list only indicate the place of recovery as Rampur Kodarkatti , Ward No. 13 Nuniyari Tola, Araria. He submits that had it been a case of recovery of any article from petitioners' house, in the seizure list there was necessity to mention the place of recovery. According to learned counsel for the petitioners it appears that country made liquor was recovered from somewhere else and Police in whimsical manner made petitioners as accused.

Considering the seizure list as well as nature of accusation , in the event of arrest or surrender within a period of six weeks from today, let both the petitioner Etwari Murmu @ Atwari Hembarar and Tara Devi be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand ) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria / concerned court in connection with Araria P.S. Case No. 397 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure 1973.

**(Rakesh Kumar, J)**

Praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

