

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51014 of 2017

Arising Out of PS.Case No. -171 Year- 2017 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Asha Devi
 2. Musmat Dholi @ Musmat Bholi Devi @ Musmat Dholi Devi
 3. Rajesh Kumar Paswan @ Rajesh Paswan &
 4. Sunaina Devi @ Musmat Bagadi @ Musmat Bagadi Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-11-2017

Heard learned counsel for the petitioners and the State.

At the outset, it has been submitted that during pendency of this petition, petitioner Nos. 3 & 4 have been arrested.

Accordingly, prayer for anticipatory bail of petitioner Nos. 3 & 4 is dismissed as withdrawn.

So far as petitioner Nos. 1 & 2 are concerned, they apprehend arrest in Chanpatia P.S. Case No. 171 of 2017 instituted for the offence under Sections-30, 30A, 37, 37A of Bihar Prohibition and Excise Act.

It has been submitted that petitioner Nos. 1 & 2 are ladies. There is no recovery from their possession.

It is mentioned in the written report itself that recovery has been made from several persons as mentioned in the written report. There is no recovery of any liquor from possession of both these



petitioners. In paragraph-3 of the petition, it has been mentioned that the petitioner has no criminal antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Chanpatia P.S. Case No. 171 of 2017 to the satisfaction of learned Special Judge, Excise, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 1 & 2 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioner 1 & 2 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner 1 & 2.

(Sanjay Priya, J)

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