

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18030 of 2017

Arising Out of PS.Case No. -184 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Maniya Kuwar, W/o Late Surat Nut, Resident of Village- Bhagwanpur, P.S.- Baikunthpur, District- Gopalganj.
 2. Fulchand Rawat, S/o Faudar Rawat, Resident of Village- Chiutahan, P.S.- Baikunthpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-05-2017 The petitioners are apprehending their arrest in connection with Baikunthpur P.S. Case No. 184 of 2016, registered for offences punishable under Sections 272 and 273 Indian Penal Code and Section 30(a), 32 (i), 33, 38(i) & 44 of Bihar Prohibition & Excise Act.

Allegation against the petitioners is of recovery of 5.6 litres of country made liquor.

It has been submitted on behalf of the petitioners that recovery in this case is only 5.6 litres of country made liquor and that too not from the conscious possession of the petitioners rather from a dicky of a motorcycle. Further petitioner no. 1 is aged a lady and aged about 80 years. They have no criminal antecedents.



Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also in view of Section 76(2) of Bihar Excise and Prohibition Act, I am not inclined to grant petitioners the privilege of bail, their application for anticipatory bail is accordingly rejected.

However, if petitioners surrender before the court below and pray for regular bail, the court below shall consider the submissions of learned counsel for the petitioner and pass an appropriate order, if possible, on the same day, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

