

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9877 of 2018

Arising Out of PS.Case No. -160 Year- 2017 Thana -SARE District- NALANDA
(BIHARSHARIFF)

=====

1. Neeru Kumari, W/o Narendra Kuamr @ Naro,
2. Narendra Kuamr @ Naro S/o Shiv Kumar Mahto, R/o Village- Bhikhari
Bigha, P.S.- Sare , District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Yogendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sare P.S. Case No. 160 of 2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) (c) (d), 33 and 36 of the Bihar Excise and Liquor Prohibited Amendment Act, 2016.

The allegation is regarding recovery of 90 litres of illicit liquor from the factory of the petitioners, 214 litres of illicit liquor from a *bagicha* situated outside the factory of the petitioners, 80 litres and 10 litres respectively from a Maruti car and Scoda car which were standing outside the premises of the factory.

The learned counsel for the petitioners submits that neither *bagicha* nor the said cars belong to the petitioners and as far as the factory is concerned, the petitioner no. 1 being a lady is not



involved in the affairs of the said factory and she stays at Patna, hence the liability cannot be saddled upon her. As far as the petitioner no. 2 is concerned, it is submitted that he has been implicated in the present case on the pretext of him being the husband of the petitioner no. 1. It is further submitted that the co-accused person has already been granted bail. The petitioners are said to be having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional District & Sessions Judge-cum-Special Judge Excise, Nalanda (Bihar Sharif) in connection with Sare P.S. Case No. 160 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

