IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32578 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- JAMHORA District- Aurangabad

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1. Mirtunjay Singh, son of Late Toni Singh
2. Sonu Singh , son of Santosh Singh
3. Manorama Devi , wife of Santosh Singh
4. Nidhi Kumari alias Nisha Kumari , Daughter of Santosh Singh,
5. Anita Kumari alias Babli Kumari alias Anita Kumar , daughter of Santosh Singh

All are Residents of village - Jokhari, P.S.- Jamhore, District- Aurangabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Sri Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Smt. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 26-06-2018 At the very outset, considering the fact that petitioner no. 1 namely Mirtunjay Singh was earlier made accused in a case relating to offence under the Excise Act , after some argument, learned counsel for the petitioners in presence of Smt. Rita Verma, learned Additional Public Prosecutor requests for withdrawal of the petition in respect of petitioner no. 1 /Mirtunjay Singh.

The prayer is allowed.

The prayer for anticipatory bail in respect of petitioner no. 1/ Mirtunjay Singh stands dismissed as withdrawn.

Petitioner nos. 2 to 5 apprehending their arrest in

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connection with Jamhore P.S. Case No. 38 of 2018, registered for the offence under Section 30(a)/ 38(i) of the Bihar Prohibition and Excise Act, 2016 and Section 341 / 323/ 353/34 of the Indian Penal Code, 1860 , have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case showing recovery of 8 liters of country made liquor from beneath the stair of house of Santosh Singh/ father of petitioner no. 2 , 4 and 5, otherwise there is no other material.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail, however, after examining the F.I.R. and in view of the facts and circumstances, particularly the fact that most of the petitioners are lady , the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today , let aforesaid four petitioners namely petitioner nos. (2) Sonu Singh, (3) Manorama Devi, (4) Nidhi Kumari alias Nisha Kumari (5) Anita Kumari alias Babli Kumari alias Anita Kumar be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two

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sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- VII- cum -Special Judge (Excise), Aurangabad / concerned court in connection with Jamhore P.S. Case No. 38 of 2018 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal procedure 1973.

(Rakesh Kumar, J)

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