

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32885 of 2018

Arising Out of PS. Case No.-473 Year-2017 Thana- RUPASPUR District- Patna

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1. Kanti Devi, W/o Late Shiv Kumar Rai,
2. Ravi Kumar S/o Late Shiv Kumar Rai,
Both are residents of village- Punaichak, P.S.- Kotwali, Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-06-2018 Heard Sri Vijay Kumar Sinha, learned counsel for the petitioners and Sri Parmeshwar Mehta, learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Rupashpur P.S. Case No.473 of 2017, Special Case No.9198 of 2017 registered for the offence under Sections 30(a), 38(1) (2) of the Bihar Prohibition and Excise Act, 2016 , have prayed for grant of bail, in the event of their arrest or surrender.

At the very outset, learned counsel for the petitioners has drawn my attention to the statement made in paragraph-3 of the petition to show that both petitioners are having clean antecedent. It was submitted by learned counsel for the petitioners that in an abandoned room, which was surrounded



with boundary wall , huge quantity of Indian Make Foreign liquor was shown to be recovered. It has also been argued that said land was transferred to another person vide Annexure-2 to the present petition and, as such, a prayer has been made for grant of bail in the event of their arrest or surrender, whereas Sri Parmeshwar Mehta, learned Addl. Public Prosecutor, by way of referring to the F.I.R., submits that in the F.I.R. itself, there is specific accusation that petitioner no.2 was indulged in selling and purchasing of liquor and he was dealing in the same. So far as petitioner no.1 is concerned, learned Addl. Public Prosecutor submits that the land was recorded in her name.

Considering the fact that petitioner no.2, namely, Ravi Kumar, against whom there is specific material, there is no reason to entertain the prayer for anticipatory bail. Accordingly, the prayer for grant of anticipatory bail in respect of petitioner no.2 stands rejected.

So far as petitioner no.1, namely, Kanti Devi is concerned, in view of facts and circumstances, particularly the fact that save and except the fact that the land was in her name, there is no other material to connect the petitioner no.1, she deserves the relief. Accordingly , in the event of her arrest or surrender within six weeks from today, let the petitioner no.1,



namely, Kanti Devi be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Rupashpur P.S. Case No.473 of 2017, Special Case No.9198 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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