

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25562 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Piyaria Devi Wife of Ganesh Manjhi Resident of Village - Binoba Nagar Bhui Tola, P.S.- Magadh Medical, Distt.- Gaya.
 2. Jira Devi Wife of Surendra Manjhi Resident of Village - Kaler Bhui Tola, P.S.- Magadh Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar
For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with Magadh Medical P.S. Case No. 31 of 2019 registered for the offence punishable under Sections 30(a)(d) of Bihar Prohibition and Excise Act-2016.

160 Kg. wet Mahua flower is said to have been recovered from the house of petitioner Jira Devi while 120 Kg. wet Mahua from the house of petitioner Piyaria Devi.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. The aforesaid Mahua flowers have been kept by the petitioners for using the



same as fodder for the animals. There is nothing on record to indicate involvement of the petitioners in brewing liquor from the said Mahua flower as neither utensils nor any machine meant for brewing liquor were recovered from the house of the petitioners. There is Mahua Flower Rules and petitioners have not violated the said Rules. Petitioners happen to be lady having no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya in connection with Magadh Medical P.S. Case No. 31 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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