

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30234 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. Anju Devi Wife of Sitaram Mukhiya ,Resident of Village-Rajopatti Braham Asthan, P.S.-Sitamarhi, District-Sitamarhi.
2. Sitaram Mukhiya Son of Bhudhu Mukhiya, Resident of Village-Rajopatti Braham Asthan, P.S.-Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-05-2019 Heard both sides.

The petitioners apprehend their arrest in Sitamarhi P.S. Case No.33 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

The police got information that nepali liquor was kept in the house of Anju Devi (petitioner no.1).When the informant raided the house of petitioner no.1, 45 litres of nepali liquor was recovered from outside of the house of the petitioners.

Learned counsel for the petitioners submits that the petitioners are wife and husband. Nothing has been recovered from the house of the petitioners. There is no boundary. Liquor



was recovered from outside of the house and for that the petitioners cannot be held responsible.

Having considered the facts aforesaid and the fact that no recovery was made from conscious or constructive possession of the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No.33 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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