

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33553 of 2019

Arising Out of PS. Case No.-177 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. BASANT SINGH Son of Babu Lal Singh Resident of Village- Naya Tola, Boring Chowk, P.S.- Turkauliya, District- East Champaran.
 2. Sunita Devi Wife of Basant Singh Resident of Village- Naya Tola, Boring Chowk, P.S.- Turkauliya, District- East Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Turkauliya P.S. Case no.177 of 2019, registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

51.75 liters of foreign liquor is said to have been recovered from the house of the petitioners and son of the petitioners, namely, Subodh Kumar @ Mangal Kumar was apprehended while the petitioners managed to escape. The said Subodh Kumar divulged that he had brought the liquor from Chandan Kumar to be sold by his father at his shop summoning



the same from the house by his mother.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern with the seized liquor. The house of the petitioners is inhabited by their several family members and they had no knowledge of keeping of the said liquor in the house. It is further submitted that petitioner no.2 is the housewife and she has no concern either with the seized liquor or any trade of liquor. They have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let petitioner no.2-Sunita Devi, be released on bail, in the event of her 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) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge Excise, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 177 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Considering the facts and circumstances of case, I am not inclined to enlarge petitioner no.1-Basant Singh on bail. The prayer for bail of the petitioner no.1 is hereby rejected. However, the petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the same day.

(Prakash Chandra Jaiswal, J)

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