

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41995 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- SAHJAHANPUR District-
Patna

- =====
1. SUJANTI DEVI, aged about 30 years, female, W/o Dharmveer Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 2. Kusum Devi, aged about 25 years, female, W/o- Baldeo Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 3. Basamati Devi, aged about 28 years, female, W/O Sugan Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 4. Sunita Devi, aged about 30 years, female, W/O Anil Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 5. Tetari Devi, aged about 55 years, female, W/O Balkishun Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 6. Sunita Devi, aged about 29 years, female, W/O Mandu Bind @ Nand @ Raghunandan Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.
 7. Mundan Devi, aged about 24 years, female, W/o Ram Jatan Bind Resident of Village- Sigriyawan, P.S.- Shahjahanpur, District- Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Ranjit Ranjan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 10-07-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 341, 323, 337, 338, 332, 333, 353, 307 of the Indian Penal Code and 45 of the Bihar Prohibition Wine Act and Excise Act, 2016 (for short 'the Prohibition Act') registered in connection with Shahjahanpur P.S. Case No. 05 of 2019.

3. It is submitted that the petitioners have been falsely implicated and even on perusal of the F.I.R., no offence



whatsoever is made out against the petitioners under the Prohibition Act in the absence of any objective material to connect the petitioners with the incriminating goods nor the place of recovery.

4. Ordinarily, an anticipatory bail petition in relation to the offence under the Prohibition Act is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients of the offence alleged against a persons are not made out, as observed by a Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar Vs. The State of Bihar) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the F.I.R. alleging any offence to have been committed by the petitioners in order to attract the provisions of the said Prohibition Act.

6. As regards the alleged offences under the Penal Code, the F.I.R. is against as many as 15 named persons and 100 unknown persons. No specific overt act has been attributed to the petitioners. There is no injury report on record to corroborate the accusation of assault. The petitioners are ladies claiming clean antecedents.

7. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge (Excise), Patna in connection with Shahjahanpur P.S. Case No. 05 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of



the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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