

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48332 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- SAHEBPUR KAMAL District- Begusarai

1. VIJAY YADAV Son of Late Fulchand Yadav Resident of Village - Chhara Patti, P.S.- Sahebpur Kamal, Distt - Begusarai.
2. Geeta Devi Wife of Vijay Yadav Resident of Village - Chhara Patti, P.S.- Sahebpur Kamal, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Gautam

For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sahebpur Kamal P.S. Case No.71 of 2019 registered under Sections 30(a) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

The accusation is of recovery of 28.455 liters Indian Made Foreign Liquor from the courtyard of the house of the petitioners.

Learned counsel for the petitioners submits that the petitioner no.2 is the wife of the petitioner no.1 and both the petitioners were not present when the alleged recovery was made from their house. The petitioner no.2 had no knowledge about keeping the Indian Made Foreign Liquor by the petitioner no.1.

Having considered the facts and the circumstances of the



case, let the petitioner no.2, above named, in the event of her arrest or surrender by her within six weeks from today, be enlarged on bail on her furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Court, Excise Act, Begusarai, in connection with Sahebpur Kamal P.S. Case No.71 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.1, above named, is concerned, considering the nature of allegation, I am not inclined to grant him the privilege of pre-arrest bail. Accordingly, his prayer for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.1, above named, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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