

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50738 of 2019**

Arising Out of PS. Case No.-114 Year-2019 Thana- GORIAKOTHI District- Siwan

1. CHANDAN RAM Son of Ashok Ram Resident of Village - Bhagaunta, P.S. - Goreya Kothi, District - Siwan.
2. Gudiya Devi Wife of Chandan Ram Resident of Village - Bhagaunta, P.S. - Goreya Kothi, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Pancha Nand Pandit

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      17-08-2019                      After some arguments, learned Counsel for the petitioners seeks permission to withdraw this application so far as petitioner no. 1, Chandan Ram, is concerned.

Permission is granted.

This application is dismissed as withdrawn so far as petitioner no. 1, Chandan Ram, is concerned.

Heard learned Counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Goreya Kothi Police Station Case No. 114 of 2019, disclosing offences under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise



Act, 2016.

The allegation, as per the First Information Report, is that 36.880 of illicit liquor was recovered by the police from the room of petitioner no. 1, who is the husband of petitioner no. 2.

Learned Counsel for the petitioner submits that petitioner no. 2 has got no criminal antecedent and merely because she is the wife of petitioner no. 1, from whose room illicit liquor has been recovered, the petitioner no. 2 has also been made accused in this case. He further submits that upon perusal of the First Information Report, and the seizure list, no *prima facie* case is made out against the petitioner no. 2 under the provisions of the Excise Act.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the possession of petitioner no. 2 and the petitioner no. 2 is made accused only because illicit liquor has been recovered from the possession of her husband, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner no. 2, Gudiya Devi, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Siwan, in connection with Goreya Kothi Police Station Case No. 114 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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