

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54588 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- SISWAN District- Siwan

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1. NAKUL SINGH S/o Triveni Singh R/o Village- Gyaspur Nauka Tola, P.S.- Siswan, District- Siwan.
 2. Rubi Devi W/o Nakul Singh R/o village- Gyaspur Nauka Tola, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-08-2019 Petitioners seek bail in anticipation of their arrest in connection with Siswan P.S. Case No. 121 of 2019, registered for the offences punishable under Sections 30 (a), 38 (b) of the Bihar Excise Prohibition Act, 2016.

Allegation is of recovery of 11.250 liters of foreign liquor was recovered from the thatched hut situated south side of the house of the petitioners.

Submission of the learned counsel for the petitioners is that F.I.R itself shows that recovery was made outside the house of the petitioners. Both petitioners are husband and wife have made accused in this case. They have no criminal antecedent.



Learned A.P.P. for the State has opposed the prayer of bail on the ground of maintainability. However, he also could not satisfy as to why for keeping liquor outside the house both husband and wife have been made accused in this case.

Having heard both sides. So far as petitioner no.1 is concerned, in view of the allegation, I am not inclined to grant privilege of anticipatory bail to him, however, he is directed to surrender before the learned Court below and make prayer for regular bail and Court below will consider the matter on its own merit without being prejudiced by order of this court and if possibly be disposed of at the same day.

So far as petitioner No.2 is concerned, considering the fact that she is lady, let the petitioner No.2 above named, in the event of her arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Addl. Sessions Judge-II-cum- Spl. Judge, Excise, Siwan, in connection with Siswan P.S. Case No. 121 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the Court concerned.



With the aforesaid condition this application stands
disposed of.

(Vinod Kumar Sinha, J)

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