

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76059 of 2019

Arising Out of PS. Case No.-172 Year-2019 Thana- AIRPORT District- Patna

1. PHULJHARI DEVI W/o Arun Kahar (wrongly written in F.I.R. as wife of Gopal Kahar) R/o village- Jagdeo Path Musahri, P.S.- Hawai Adda, District- Patna
2. Arun Kahar S/o Gopal Kahar R/o village- Jagdeo Path Musahri, P.S.- Hawai Adda, District- Patna

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain
For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2019 . Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Hawai Adda PS Case No. 172 of 2019 (Special Case No. 5873 of 2019) registered under Sections 30(a) of Bihar Prohibition and Excise Act 2016.

It is submitted that recovery is from the tenants of the petitioners' house. The tenants being co-accused have falsely implicated the petitioners as the petitioners have no concern with their belongings. On account of no recovery being made from the petitioners offences under the Excise and Prohibition Act are not made out against them. Petitioners are also having no criminal antecedent.

Learned APP for the State opposes the prayer.

Considering the aforesaid submissions as also the facts and circumstances of the case, this Court for the limited



purpose of anticipatory bail is inclined to accept the submission on behalf of the petitioners. The prayer for anticipatory bail of the petitioners is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Hawai Adda PS Case No. 172 of 2019 (Special Case No. 5873 of 2019) subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code.

(Madhuresh Prasad, J)

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