

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75691 of 2019

Arising Out of PS. Case No.-313 Year-2019 Thana- BAJPATTI District- Sitamarhi

1. Khaitun Nishan W/o Md. Mustufa Nadaf @ Bhonu Resident of
Village- Muraul, Police Station- Bajpatti, District- Sitamarhi.
2. Md. Mustufa Nadaf @ Bhonu Son of Late Shafi Nadaf Resident of
VillageMuraul, Police Station- Bajpatti, District- Sitamarhi.
... .. Petitioner/S

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant
of anticipatory bail apprehending their arrest in a case registered
for the offence under section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per the allegation in the FIR, 11.115 litres of IMFL is
said to have been recovered from the house of the petitioners.

It is submitted by learned counsel for the petitioners that
petitioner no. 1 is a lady while petitioner no. 2 happens to be the
husband of petitioner no. 1. It is further submitted that the
allegation of recovery of the alleged article is false and
concocted and the petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking
into consideration the facts and circumstance of the case
including the fact that the recovery is said to have been taken



place from inside the house of which the petitioner no. 2 is the owner, the court is not inclined to enlarge the petitioner no. 2 on bail and as such his application for bail is rejected. However, if he surrenders in the court below within a period of six weeks, the court below shall consider the application for bail without being prejudiced by this order of rejection.

However, taking into consideration that the petitioner no. 1 happens to be a lady, the house belongs to her husband and that she does not have any criminal antecedent, the court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1, in the event of her arrest or surrender in the court below within a period of six weeks from today in connection with Bajpatti P.S. Case No. 313 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Sitamarhi subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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