

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8483 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- TISIAUTA District- Vaishali

1. Savita Devi @ Savit Devi Daughter of Late Manji Paswan @ Maujee Paswan Resident of Village - Birjauli, P.S.- Tisiauta, District - Vaishali.
2. Nilam Devi Wife of Indrajeet Paswan @ Karpuri Paswan Resident of Village - Birjauli, P.S.- Tisiauta, District - Vaishali.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020

Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Tisiauta PS Case No. 95 of 2019 registered under Sections 30(a), (B), (C) of Bihar Prohibition and Excise Act, 2016.

713.88 liters of Indian Foreign illicit liquor is alleged to have been recovered from a house. One Seema Devi has been arrested from the premises. The prosecution case is that Samarjeet and Indrajeet Paswan (brothers) bring the consignment of illegal liquor which is sold by Seema Devi who has also disclosed the name of the instant petitioners for indulging in such sale.

It is submitted that the petitioners have been falsely implicated. They have not been found at the premises at the time of recovery. Thereafter also there is no recovery from the petitioners and the recovery made from the house cannot by any stretch of imagination be attributed to the petitioners. False implication cannot be ruled out at the hands of Seema Devi.

Learned APP appearing for the State has opposed the



prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

This Court is conscious of the decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in *2019(2) PLJR 1089*. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court for the limited purpose for grant of anticipatory bail is inclined to accept the submission of Counsel for the petitioner.

Considering the aforesaid submissions as also the facts and circumstances of the case, 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 Additional Sessions Judge II -cum- Special Judge (Excise) Vaishali at Hajipur. in Tisiauta PS Case No. 95 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his



bail will be liable to the cancelled.

(Madhuresh Prasad, J)

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