

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9032 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- BALIGAON District- Vaishali

1. SUMITRA KUMARI Wife of Ram Uchit Thakur @ Ram Uchit Sharma Resident of Village - Digha Patepur (Fatehpur), P.S.- Baligaon, Distt - Vaishali.
2. Ram Uchit Thakur @ Ram Uchit Sharma Son of Late Dowarika Thakur Resident of Village - Digha Patepur (Fatehpur), P.S.- Baligaon, Distt - Vaishali.
3. Babu Thakur @ Shashikant Thakur Son of Ram Uchit Thakur @ Ram Uchit Shamra Resident of Village - Digha Patepur (Fatehpur), P.S.- Baligaon, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 At the outset the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 3.

Accordingly, the present petition qua the petitioner no. 3 stands dismissed as not pressed, however, with liberty to the petitioner no. 3 to surrender before the learned court below and seek regular bail.

It is needless to state that in case the petitioner no. 3 surrenders before the learned court below within a period of four weeks from today and prays for regular bail, his bail petition shall be considered on the very same day and disposed



off, in accordance with law, considering the fact that minimal quantity of liquor has been recovered from his house.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners no. 1 & 2 apprehend their arrest in connection with Baligaon P.S. Case No. 127 of 2019 for the offence registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 30.75 liters of illicit liquor from the old house of the petitioner no. 3 and the petitioners no. 1 & 2 are stated to be the parents of the petitioner no. 3. It is also alleged that the petitioner no. 3 had stolen a motorcycle.

The learned counsel for the petitioners submits that the petitioners are innocent and since recovery of illicit liquor has been made from the house of the petitioner no. 3 who has already undertaken to surrender before the learned court below and seek regular bail, there is no impediment in granting anticipatory bail to the parents of the petitioner no. 3. It is further submitted that the petitioners are having clean antecedents. Lastly, it is submitted that the petitioners no. 1 & 2 are aged persons having no complicity in the matter, hence the



provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioners no. 1 & 2 herein as far as the case of the said petitioners for grant of anticipatory bail is concerned.

Accordingly, the *petitioners no. 1 & 2*, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Court), Vaishali at Hajipur in connection with Baligaon P.S. Case No. 127 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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