

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24339 of 2020

Arising Out of PS. Case No.-121 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

1. Durgawati @ Durgawati Devi, aged about 34 Years , Gender Female, Wife of Ashok Sah
2. Sadhu Yadav @ Shiv Kumar Yadav , aged about 48 Years, Gender Male, S/o Late Bachcha Yadav, Both are Resident of Village - Orma, Police Station - Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Bijay Prakash Singh , learned counsel for the petitioners and Mr. Md. Nazir Ansari, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Siwan Mufasil P.S. Case No. 121 of 2020 registered for the offence punishable under Section 272 , 273 of the I.P.C. and Section 30(a), 41 (1) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioners as per the First Information Report is that Police on the basis of secret information proceeded towards the place of occurrence and upon seeing the Police party the petitioners tried to flee away



and succeeded in the same and the Police recovered 212.455 liters of illicit liquor from the hut made of straw situated in front of the house of the petitioner no. 1.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have no criminal antecedent. Learned counsel further submits that petitioners have falsely been implicated in this case and no illicit liquor has been recovered from the conscious possession or from the premises belonging to the petitioners. Learned counsel further submits that from perusal of the First Information Report and seizure list it would be evident that the illicit liquor in question has allegedly been recovered from a hut made of straw situated in front of the house of the petitioner no. 1 and not from inside her house. Learned counsel further submits that the place from where the illicit liquor has been recovered is an open space which is accessible to all and sundry. Learned counsel thus submits no prima facie case under the Excise Act is made out against the petitioners upon perusal of the F.I.R. and the seizure list.

Having regard to the submissions made by the parties, taking into consideration the materials available on record and the fact that no illicit liquor has been recovered from



the conscious possession or the premises belonging to the petitioners or from inside the house of the petitioners, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge cum Special Judge Excise, Siwan / court concerned in connection with Siwan Mufasil P.S. Case No. 121 of 2020 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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