

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26579 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- BODHGAYA District- Gaya

1. KIRAN DEVI Wife of Gariban Saw @ Krishna Saw Resident of Village- Bhagalpur, P.S. Bodh-gaya, District- Gaya.
2. Seema Kumari @ Neha Kumari Daughter of Gariban Saw @ Krishna Saw Resident of Village- Bhagalpur, P.S. Bodh-gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks from the date of restoration of normalcy.

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

The petitioners are apprehending their arrest in a case registered under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.



The prosecution case, in short, is that 480 kg of mahua flower along with 450 kg of gur is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that 480 kg of mahua flower along with 450 kg of gur is recovered. It has been submitted on behalf of the petitioner that the mahua flower and gur do not come within the meaning of intoxicant. Hence, no offence under the provisions of Bihar Prohibition and Excise Act is made out against the petitioners. The petitioners are ladies.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Bodh Gaya P.S. Case No. 85 of 2020, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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