

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25955 of 2020**

Arising Out of PS. Case No.-32 Year-2020 Thana- GAUNAHA District- West Champaran

1. RAMESHWAR SAH Son of Late Bharat Sah Resident of Village- Belwa, Bahusari, P.S.- Gaunaha, District- West Champaran.
2. Munni Devi W/o Rameshwar Sah Resident of Village- Belwa, Bahusari, P.S.- Gaunaha, District- West Champaran.
3. Brij Kishore Sah @ Kallu Sah Son of Rameshwar Sah Resident of Village- Belwa, Bahusari, P.S.- Gaunaha, District- West Champaran.
4. Akhilesh Sah @ Aklesh Son of Rameshwar Sah Resident of Village- Belwa, Bahusari, P.S.- Gaunaha, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 16-10-2020 Learned counsel for the petitioners undertakes to remove all the defects, as pointed out by office, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Khurshid Anwar, learned APP for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Gaunaha P.S. Case No. 32/2020 registered for the offence under Sections 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that as



per the first information report when on information the Block Development Officer, Gaunaha, along with officer-in-charge of the police station conducted a search in the house of the petitioners some illicit liquors in form of 25 pieces of bottles each containing 300 ml. of country made liquors and one plastic jar in which about 15 liters country made Chulai wine were recovered. It is submitted that though the seizure list shows that the recovery has been made from the house of petitioner no. 1 but the fact that at the time of raid the petitioners were not present in their house only shows that the country made liquors were planted in the house of the petitioners by the neighbours who had inimical term with the petitioners and this is nothing but a case of false implication.

On the other hand, learned A.P.P. for the State submits that the recovery of illicit liquor has been made from the house of petitioner no. 1 and from the F.I.R. itself it appears that there was a confidential information to the informant that in the house of the petitioners some illicit liquors have been kept and they are engaged in sale and purchase of illicit liquors. It is thus submitted that it is a prima-facie case against the petitioners and hence anticipatory bail be not granted to them.



Having regard to the facts and circumstances of the case and in the nature of the materials mentioned in the first information report, this court is of the considered opinion that so far as petitioner no. 1, 3 & 4 are concerned, they being the male members of the family having dominion over the day to day affairs of the family, they do not deserve privilege of anticipatory bail because illicit liquors have been recovered from their house.

At this stage, the Court takes a view that though the petitioner no. 2 has also been made accused taking her as a member of the family and that the liquor has been recovered from the house in which she is also residing but considering the present social conditions where the female members are sometime not able to control the affairs of the family which are being conducted by the male members, she deserves the benefit of the anticipatory bail, thus, this Court is inclined to grant privilege of anticipatory bail to petitioner no. 2, let in case of her arrest/surrender in the court below within four weeks from today, the above-named petitioner no. 2 be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise,



Bettiah, West Champaran, in connection with Gaunaha P.S.
Case No. 32/2020, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

And further condition that the court below shall
verify the criminal antecedent of the petitioners and in case at
any stage it is found that the petitioners have concealed his
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioner.

The prayer for anticipatory bail of petitioner no. 1, 3
and 4 is refused.

In case, petitioner no. 1, 3 and 4 surrender and pray
for regular bail in the court below within a period of four



weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

The observation of this court to surrender in the court below within four weeks shall not be construed as granting any interim protection to the petitioners for the aforesaid period.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

