

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80576 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- NAANPUR District- Sitamarhi

1. SONI DEVI, Wife of Raj Kapur Sah, Resident of Village - Bari Souriya, P.S.- Jale, District- Darbhanga.
2. Raj Kapur Sah, Son of Lal Babu Sah @ Lal Babu Prasad, Resident of Village - Bari Souriya, P.S.- Jale, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 13-07-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

On getting confidential information, *Palani* of Raj Kapur Sah was raided. During midst thereof, the persons assembled nearby disclosed that Raj Kapur Sah, his wife and three more persons succeeded in their escape by a car. On search altogether 2665.860 litres of foreign wine (Indian origin) in terms of seizure list has been seized.

From the place of occurrence as incorporated under paragraph 7 of the case diary along with specific disclosure under paragraphs 9 and 10, wherefrom it is evident that the aforesaid premise was sealed at that very moment itself in presence of the C.O. is indicative of the fact that the petitioner no.2, Raj Kapur Sah happens to be the owner of the *Palani* and in the aforesaid background, recovery of such huge quantity of wine did not justify



to allow the prayer for anticipatory bail.

Accordingly, the prayer for anticipatory bail filed on behalf of Raj Kapur Sah (petitioner no.2) is hereby rejected.

So far the prayer of petitioner no.1 is concerned, apart from the fact that she happens to be a lady and, apart from the fact that she happens to be the wife of petitioner no.2, her presence is found suspicious one in the background of the statement of the witnesses. Moreover, could not be acknowledge as owner/joint owner of the property.

Consequent thereupon, petitioner no.1, Soni Devi in the event of her arrest or surrender within four weeks from today, is directed to 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 the learned A.D.J.-II, Sitamarhi in connection with Nanpur P.S. Case No.254 of 2019 in terms of the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Aditya Kumar Trivedi, J)

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