

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79482 of 2019

Arising Out of PS. Case No.-240 Year-2019 Thana- GURUA District- Gaya

-
1. Sonma Devi, W/o Late Lala Chaudhary, Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.
 2. Shrawan Chaudhary @ Sarwan Chaudhary, Son of Late Lala Chaudhary, Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 30(a), 37(1) and 37(2) of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, it is stated that both the petitioners were making strangers drink alcohol in their house. It is further stated that the three strangers also named in the F.I.R were caught at the place of occurrence.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R are false and concocted or



else both the petitioners would also have been caught at the place. It is submitted that the petitioners have no criminal antecedent and the petitioner no.1 happens to be a 50 years old lady.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the place where the three strangers were being made to drink alcohol happens to be the house of the petitioner no.2, this Court is not inclined to enlarge the petitioner no.2, Shrawan Chaudhary @ Sarwan Chaudhary, on bail. Hence, his application for anticipatory bail is rejected. He is directed to surrender before the Court below within four weeks.

However, taking into consideration that the petitioner no.1 happens to be the mother of petitioner no.2 and an old lady together with the fact that she was not caught at the place of occurrence and has no criminal antecedent, this Court is inclined to enlarge the petitioner no.1, Sonma Devi on bail. In the event of her arrest or surrender in the Court below within a period of six weeks from today in connection with Gurua P.S. Case no. 240 of 2019 the petitioner no. 1 is directed to be enlarged on



bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Gaya, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

Bibhash/-

(Partha Sarthy, J)

U		T	
---	--	---	--

