

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86156 of 2019

Arising Out of PS. Case No.-352 Year-2019 Thana- HARSIDHI District- East Champaran

1. Rameshwar Prasad, Son of Late Sitaram Mahto Resident of Village - Bhada,, murli, Nonia Tola, P.S.- Harsidhi, Distt.- East Champaran.
2. Suganti Devi, W/o Rameshwar Prasad Resident of Village - Bhada,, murli, Nonia Tola, P.S.- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-02-2020 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Harsidhi P.S. Case No.352 of 2019, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners is that the police got secret information that the petitioners were indulged in sell of illicit liquor from their house and raided the house of the petitioners and recovered a total quantity of 35 litres of illicit spirit. It has further been alleged that upon seeing the police party, the petitioners fled away from their house.



Mr. Karandeep Kumar, learned counsel appearing for the petitioners submits that petitioners have committed no offence in the manner alleged and have falsely been implicated by the police in the present case. Learned counsel further submits that the procedure for seizure prescribed under Section 100 Cr.P.C. has not been complied with. Learned counsel further submits that house belongs to petitioner No.1. From seizure list, it appears that the illicit spirit has been recovered from the house of petitioner No.1 and petitioner No.2 is wife of petitioner No.1.

After having heard learned counsel for the parties and taking into consideration the fact that illicit spirit has been recovered from the house of petitioner No.1 and in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion for grant of anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner No.1 is rejected.

Insofar as anticipatory bail of petitioner No.2 is concerned, taking into consideration the fact that petitioner No.2 is wife of petitioner No.1 and being a lady, I am inclined to grant anticipatory bail to the petitioner No.2.

Accordingly, petitioner No.2, Suganti Devi, is



directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by her, she shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge, IXth-cum-Special Judge, Excise, East Champaran at Motihari, in connection with Harsidhi P.S. Case No.352 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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