

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86003 of 2019

Arising Out of PS. Case No.-815 Year-2019 Thana- FORBESGANJ District- Araria

1. SHAKUNTALA DEVI @ SHAKUNTI DEVI Wife of Yugeshwar Yadav Resident of Village - Aaurahi Purab, Ward No. 4, P.S.- Forbesganj (Simraha), District - Araria.
2. Guddi Devi Wife of Jitendra @ Gopal Yadav Resident of Village - Aaurahi Purab, Ward No. 4, P.S.- Forbesganj (Simraha), District - Araria.
3. Lakshmi Devi Wife of Madan Yadav Resident of Village - Aaurahi Purab, Ward No. 4, P.S.- Forbesganj (Simraha), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Forbesganj PS case no. 815 of 2019 registered for the offences punishable under Sections 341, 323, 353, 188, 332, 224, 225, 228, 504/34 of Indian Penal Code and Sections 44, 53, 30 (a), 38(1) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5.4 liters of illicit liquor from the possession of co-accused person namely Madan Yadav and as far as petitioners are concerned,



they are said to have gone to free the said co-accused person.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and they are having clean antecedent. It is further submitted that as far petitioners are concerned, no recovery of illicit liquor has been made from them, hence the provisions of the Bihar Excise and Prohibition Act, 2016 are not attracted. It is further submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.11.2019 passed in Cr. Misc. no. 72929 of 2019.

Having regard to the facts and circumstance of the case and considering the submissions of the learned counsel for the petitioners, I find that *prima faice* no case is made out under the provisions of Bihar Prohibition and Excise Act, 2016, hence I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Araria in connection with Forbesganj PS case no. 815 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

