

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24051 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. Manju Devi Wife of Harishankar Mahto Resident of Village- Bucheya Mathiya, P.S.- Sidhwaliya, District- Gopalganj
2. Dharendra Singh Son of Bichari Singh Resident of House No. 286, Humanyupur Uttari, P.S. Gorakhnath District-Gorakhpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-07-2021 Heard both sides through video conferencing.

The petitioners apprehend their arrest in Sidhwaliya P.S. Case No.28 of 2021 registered under Section 30(a) of Bihar Prohibition and Excise Act.

The informant, A.S.I. of Sidhwaliya P.S. alleged that he got information that Manju Devi and Dharendra Singh have stored liquor in the bundle of Ekra situated in front of the house of Manju Devi and on such, a raid was conducted. When the police reached near the house of petitioner No.1, both the petitioners started fleeing away. The villagers came and identified the petitioners fleeing away from the place of occurrence. On search, about 4 ½ liters of liquor was recovered.



The learned counsel for the petitioners submits that the place of recovery is outside the house of petitioner No.1 but petitioner No.2 has falsely been implicated in the case but it appears that informant got secret information about the involvement of both the petitioners in storing the liquor. Both the petitioners have got criminal antecedent and one case under Excise Act is still pending.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, learned court below shall consider the prayer for regular bail of the petitioners on its own merit taking into consideration the fact that very small quantity of liquor was recovered and dispose of the bail petition of the petitioners, if possible, preferably on the same day.

(Prabhat Kumar Jha, J)

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