

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28009 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- KANHAULI District- Sitamarhi

1. RAMLAL PASWAN S/o Late Ram Narayan Paswan Resident of Village- Kanhauli, P.S.- Kanhauli, District- Sitamarhi.
2. Sonawati Devi W/o Ramlal Paswan Resident of Village- Kanhauli, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Ramlal Paswan as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 1 namely, Ramlal Paswan is dismissed as withdrawn.



The petitioner No. 2 is apprehending his arrest in Kanhauli P.S. Case No. 127 of 2020 registered for the offence under Sections-272 & 273 of the Indian Penal Code and Sections-37(b), 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 750 ml. wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that she has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against her. She has been falsely implicated in the present case. It is alleged that 750 ml. wine is recovered from the shop belonging to joint family of the petitioner. Petitioner No. 2 is a lady. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 2, above named, in the event of arrest/surrender before the learned court



below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Kanhauli P.S. Case No. 127 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

A.K.V.//-

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

