

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33448 of 2020

Arising Out of PS. Case No.-236 Year-2020 Thana- BAKHARI District- Begusarai

1. MANJU DEVI W/o Jaijai Ram Mukhiya R/o Village-Nadail, P.S.-Bakhri, District-Begusarai.
2. Jaijai Ram Mukhiya S/o Saini Mukhiya R/o Village-Nadail, P.S.-Bakhri, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bakhri P.S. Case no. 236 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty, when informant and other Police personnel reached at the house of Jaijai Ram Mukhiya (Petitioner No.2) while all family



members succeeded to flee away. On search, a plastic container, containing five litres of country made liquor, recovered from there.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that both the petitioners are wife and husband, respectively, and they have falsely been implicated in this case. Further submission is that, in fact, petitioner No.1 Manju Devi, who is lady, has no criminal antecedent and she has been implicated in this case being wife of Jaijai Ram Mukhiya (Petitioner No.2). The allegation is of recovery of a plastic container, containing five litres of country made liquor from the house of petitioner No.2 and the petitioner No.1 is wife of petitioner No.2.

Having regard to the facts and circumstances of the case, let the petitioner No.1, namely, **Manju Devi**, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai in connection with Bakhri P.S. Case No. 236 of 2020, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C.

So far as petitioner No.2, namely, Jaijai Ram Mukhiya is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.2, I am not inclined to grant pre-arrest bail to the petitioner No.2, namely, Jaijai Ram Mukhiya. Accordingly, his prayer for grant of pre-arrest bail stands rejected.

(Rajendra Kumar Mishra, J)

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