

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33324 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BASANTPUR District- Siwan

1. Kalita Devi, Wife of Musafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan.
2. Musafir Ram, Son of Late Deoki Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan.
3. Jikesh Ram, Son of Musafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan.
4. Niraj Ram @ Niraj Kumar, Son of Musafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the 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 Basantpur P.S. Case No. 153 of 2020, registered under Sections 272, 273 and 308 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act, 2016.



The accusation is of recovery of 14 bottles each containing 750 ml and 180 bottles each containing 180 ml Indian made foreign liquor from the *fush* hut of Musafir Ram (petitioner no.2).

Learned counsel for the petitioners submits that petitioner no. 2, Musafir Ram, is the husband of petitioner no.1, Kalita Devi and father of petitioner nos. 3 and 4, namely, Jikesh Ram and Niraj Ram @ Niraj Kumar and at the time of search, none of the petitioners was present in the *fush* hut. Moreover, petitioner nos. 1, 3 and 4 being the wife and sons of petitioner no. 2 have falsely been implicated in the present case. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner nos. 1, 3 and 4, namely, Kalita Devi, Jikesh Ram and Niraj Jram @ Niraj Kumar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Basantpur P.S. Case No. 153 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



So far as the prayer for pre-arrest bail of petitioner no.2, Musafir Ram, is concerned, having regard to the facts and circumstances of the case and recovery of alleged bottles of Indian made foreign liquor from the *fush* hut of petitioner no.2, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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