

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34604 of 2020

Arising Out of PS. Case No.-110 Year-2020 Thana- BASANTPUR District- Siwan

1. Pushpa Kumari, Daughter of Mosafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.s.- Basantpur, District- Siwan
2. Arti Kumari, Daughter of Mosafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.s.- Basantpur, District- Siwan
3. Ranjushi Kumari, Daughter of Mosafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan
4. Jitesh Kumar Ram @ Jikesh Ram, Son of Mosafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.s.- Basantpur, District- Siwan
5. Kalita Devi, Wife of Mosafir Ram, Resident of Village- Basauo Tilak Sah Ke Tola, P.s.- Basantpur, District- Siwan ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 26-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 11.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Basantpur P.S. Case No. 110 of 2020, registered under Sections 272, 273 and 308/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

On secret information about supply of liquor in huge



quantity by Vijay Singh, Sri Ram Singh, Mukesh Singh and Chhotu Singh to Musafir Ram of village Basaon for selling the same, the informant, along with other police personnel, reached village Basaon, then, saw that from the hut of Musafir Ram six persons started to flee away, on seeing the police vehicle while they were chased, but, they succeeded to flee away. On search of hut, several bottles in volume of 885.485 liters Indian made foreign liquor recovered. The local people disclosed that Musafir Ram, his sons, Neeraj Ram, Jitesh Kumar Ram (petitioner no. 4), daughters, Pushpa Kumari (petitioner no. 1), Arti Kumari (petitioner no. 2) and Ranjushi Kumari (petitioner no. 3) and wife Kalita Devi (petitioner no. 5) are all indulged in selling the liquor.

Submissions is that petitioners are respectively three daughters, one son and wife of Musafir Ram, against whom allegation was made about keeping the liquor in hut and selling the same supplied by four persons, named in the first information report. It would appear from the first information report that alleged bottles of Indian made foreign liquor were not recovered from the residential house rather the same are said to be recovered from the hut, which is said to be belonging to Musafir Ram and the petitioners were not apprehended there. In



fact, petitioners, being the family members of Musafir Ram, have been implicated in this case and they have no criminal antecedent. Sri Bijay Prakash Singh, the learned counsel appearing for the petitioners submits, at Bar, that Musafir Ram has surrendered before the trial Court on 24.03.2021.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Basantpur P.S. Case No. 110 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Siwan, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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