

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.499 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- HATHUA District- Gopalganj

1. KALAWATI DEVI W/o Anil Sah
2. Anil Sah S/o Hosila Sah
3. Rakesh Patel @ Mandol S/o Shri Kisun Prasad, all Resident of Village Manichhapar, P.S. - Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 14-12-2021 Heard learned counsels for the petitioners and
the State.

Petitioners apprehend arrest in connection with Hathua P.S. Case No. 26 of 2020 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act 2016.

Learned counsel appearing for the petitioners submits that petitioners have been falsely implicated in this case. Nothing has been recovered from the possession of these petitioners. They have no concern with the seized liquor. Petitioners have no criminal antecedent.

Learned Addl. P.P. appearing for the State



submits that petitioners are named accused and seizure has been made from the house of petitioner nos. 2 and 3, namely, Rakesh Patel @ Mondol and Anil Shah and as such, petitioner nos. 2 and 3 do not deserve to be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner no. 1, Kalawati Devi , in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing personal bond to the satisfaction of Additional Sessions Judge II-cum-Special Judge, Excise, Gopalganj in connection with Hathua {S. Case No. 26 of 2020 subject to the conditions laid down under section 438(2) Cr.P.C.

As regards petitioner nos. 2 and 3, considering the nature of allegations levelled supported with the seizure, this Court is not inclined to grant them the privilege of anticipatory bail. Their prayer for bail is, therefore, rejected.

(Arvind Srivastava, J)

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