

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80249 of 2019

Arising Out of PS. Case No.-337 Year-2019 Thana- GOPALPUR District- Patna

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1. RAMAPATI DEVI, Wife of Sri Suraj Rai Resident of Village - Bairiya, P.S. - Gopalpur, District - Patna.
 2. Bablu Saw, Son of Late Kirpa Narayan Saw @ Kallu Saw Resident of Village - Bairiya, P.S. - Gopalpur, District - Patna.
 3. Sujit Kumar, Son of Sri Suraj Rai Resident of Village - Bairiya, P.S. - Gopalpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-09-2021 Heard Mr. Arvind Prasad Singh, learned advocate for the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Special Case No. 9985 of 2019, arising out of Gopalpur P. S. Case No. 337 of 2019, instituted for the offences under Sections 147, 148, 149, 324, 353, 341 and 342 of the Indian Penal Code and Sections 30(a) and 40 of the Bihar Prohibition and Excise Act, 2016.



The accusation in the F.I.R. is that on secret information, two persons were nabbed, namely, Niraj Kumar and Gautam and from their possession, 15 litres of liquor was recovered. However, those persons were made to come out of the custody of the police because of the intervention of the others. The petitioners have been made accused in this case because of their relationship with the aforesaid two arrested accused persons.

The petitioner no. 1 is the mother of one of the arrested accused persons, whereas petitioner nos. 2 and 3 are brothers of the arrested accused persons.

There is a history of the local police harassing the family of the petitioners.

Nothing has been recovered from the possession of the petitioners and they do not have criminal antecedents.

On these aspects of the matter, it has been urged that the offence under the Excise Act or under any



one of the Sections of the Indian Penal Code can not be said to have been made out.

For the reasons afore-stated, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Special Case No. 9985 of 2019, arising out of Gopalpur P. S. Case No. 337 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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