

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18872 of 2021

Arising Out of PS. Case No.-591 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. Khaderan Paswan @ Khaderan Ram S/o Bikau Ram R/o Mohalla- Sri Tola Railway Lie, P.S.- Ara Nawada, District- Bhojpur
2. Sonapatti Devi W/o Khaderan Paswan @ Khaderan Ram R/o Mohalla- Sri Tola Railway Lie, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-01-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 30(a), 37(c) of the Bihar Prohibition & Excise

Act.



There is recovery of 10 litres of country made liquor from the house of the petitioners.

It is submitted by learned counsel for the petitioners that petitioners were not arrested from the spot and nothing has been recovered from the conscious and constructive possession of the petitioners. It is further submitted that petitioner No. 2 is wife of petitioner No. 1 and she has no concern with the day-to-day affairs of her husband. She has only been made accused in this case because she is wife of petitioner No. 1.

Considering the fact that petitioner No. 1 being owner of the house was fully aware about the illicit liquor being stored in his house, this Court is not inclined to grant anticipatory bail to the petitioner No. 1. The prayer for anticipatory bail of petitioner No. 1 stands rejected.

So far as petitioner No. 2 is concerned, since she is wife of petitioner No.1, it would not be proper to prosecute her for same offence under which, the



petitioner No. 1 being husband of petitioner No. 2 has been held responsible.

In the facts and circumstance of the case, let the petitioner, No. 2, above named, in the event of her arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise Act, Bhojpur at Arrah in connection with Ara Nawada P.S. Case No. 591 of 2020.

(Sunil Kumar Panwar, J)

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