

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15632 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Sudha Devi, Wife Of Rohit Sada R/O - Ward No. 3, Chakka, Musahari Tola, Chhatauna, P.S.- Nowkothi, Dist.- Begusarai
 2. Ravish Sada, Son Of Natho Sada @ Nathuni Sad R/O - Ward No. 3, Chakka, Musahari Tola, Chhatauna, P.S.- Nowkothi, Dist.- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
30(a) and 30(c) of the Excise Act, 2016.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and petitioner
no.1 is a woman and the allegation is of recovery of 02 litres of
liquor and 150 litres of raw material from the joint corridor of
accused persons at village Chakka, Musahari Tola.

The learned counsel for the petitioners submits that
the petitioners were not arrested from the spot, as such, nothing



was recovered from his conscious possession. It is next submitted that from perusal of the seizure list, it would manifest that the alleged recovery was made from joint courtyard of the petitioner. It is next submitted that it absolutely does not stand to reason that how liquor would have been recovered from the joint courtyard of the petitioner. It is also submitted that either the liquor was recovered from 'A' or recovered from 'B', but alleging that it was recovered from 'A' and 'B' both, creates suspicion with regard to the allegation as alleged in the F.I.R. It is also submitted that seizure list is in breach of Section 62 of the Excise Act as it does not mention that the alleged place from where the liquor was seized was also seized.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nowkothi P. S.



Case No.163 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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