

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25969 of 2021

Arising Out of PS. Case No.-656 Year-2020 Thana- KANTI District- Muzaffarpur

1. RAM KUMAR SAHNI @ RAM KUMAR Son of Bishuni Sahni Resident of Village- Kanti Kothiya, P.S.- Kanti, District- Muzaffarpur.
2. Bishuni Sahni Son of Late Sitaram Sahni Resident of Village- Kanti Kothiya, P.S.- Kanti, District- Muzaffarpur.
3. Phoolo Devi Wife of Bishuni Sahni Resident of Village- Kanti Kothiya, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the petition against petitioner no.1, namely, Ram Kumar Sahni @ Ram Kumar and petitioner no.2, namely, Bishuni Sahni.

Permission is accorded.



Accordingly, this petition is dismissed as withdrawn with regard to petitioner no.1, namely, Ram Kumar Sahni @ Ram Kumar and petitioner no.2, namely, Bishuni Sahni.

So far petitioner no.3, namely, Phoolo Devi is concerned, she is apprehending her arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

It is a case of recovery of about 50 liters of English wine from the house of the petitioners.

It is submitted by learned counsel for the petitioner that the petitioner no.3 has falsely been implicated in this case. From perusal of the report and seized wine, it appears that the husband of petitioner no.2 has been implicated in this case from whose house incriminating country made wine was recovered. The petitioner no.3 is wife of petitioner no.2. He further submits that there is no recovery from the conscious or constructive possession of petitioner no.3. He further submits that the petitioner no.3 has no criminal antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioner no.3, namely, Phoolo Devi, 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 thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 656 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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