

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16822 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- DARAUNDA District- Siwan

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1. SUNIL KUMAR SINGH @ SUNIL SINGH Son of Devta Singh
 2. PRIYA DEVI W/o Sunil Kumar Singh @ Sunil Singh
 3. DEVTA SINGH Son of Hira Singh
- All are Resident of Village - Kangalichapra, P.S.- Dhuraundha/Darauda,
Distt. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioners and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four
weeks.

The petitioners apprehend their arrest in a case registered for
the offence punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioners submits that petitioners
are persons with clean antecedent.

Allegation is of recovery of 121.425 litres of liquor from the
house of the petitioner no. 1.

Learned counsel for the petitioners submits that petitioners
were not arrested from the spot, as such, nothing was recovered from
their conscious possession. It is next submitted that petitioner no. 2 is



wife of petitioner no. 1 and petitioner no. 3 is father of petitioner no. 1, as such, they also came to be implicated in the present case despite the fact that they were completely unaware of the presence of the liquor in the house. Learned counsel next submits that even the seizure was not made in accordance with the provisions of Section 100 Cr.P.C.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 3 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhuraundha/Darauda P.S. Case No. 42 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, if the petitioner no. 1 surrender on or before 11.08.2022, the learned court below shall dispose of the case on the same day keeping in mind that petitioner no. 1 is a person with clean antecedent and it is his first offence.

(Satyavrat Verma, J)

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