

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17397 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- BASANTPUR District- Siwan

1. Ganesh Ram @ Ganesh Kumar @ Ganesh Kumar Ram, Son Of Raghubansh Ram Resident Of Village- Basantpur Tola, Kanhauli, P.S.- Basantpur, District- Siwan.
2. Suganti Devi @ Subhawati Devi, W/O Raghubansh Ram Resident Of Village- Basantpur Tola, Kanhauli, P.S.- Basantpur, District- Siwan.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1.

Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1.

Heard learned counsel for the petitioner no.2 and learned APP for the State.

The petitioner no.2 seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act, 2016.



The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the allegation is of recovery of 4.140 litres of liquor from the house of co-accused Suraj Kumar Mahto. Further, 15 litres of liquor was recovered from a gallon from a house in Village-Kanhauli, Basantpur Tola.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is also submitted that he came to be implicated as she is mother of Ganesh Ram. It is next submitted that from perusal of the seizure list, it would manifest that the same records that the liquor was seized from village- Kanhauli, Basantpur Tola, but does not record that the liquor was recovered from the house of Ganesh Ram, though in Column-4, it is recorded that the recovery was made from the house of Ganesh Ram which appears to be dichotomy.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, above-named, in



the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Basantpur P. S. Case No.25 of 2022, 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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