

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21298 of 2022

Arising Out of PS. Case No.-612 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. GULTHAN YADAV SON OF LATE MANGAL CHAUDHARY R/O VILLAGE- BARAHANI TOLA, P.S.- MUFFASIL, SIWAN, DISTRICT- SIWAN
2. PRABHAWATI DEVI WIFE OF GULTHAN YADAV R/O VILLAGE- BARAHANI TOLA, P.S.- MUFFASIL, SIWAN, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2022 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 petitioner no. 1 has antecedent of five cases and petitioner no. 2 is a person with clean antecedent and is a woman.

Allegation is of recovery of 10 litre of liquor and unspecified Mahua Mittha which was destroyed in Barhani Chaur.

Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from



their conscious possession. He further submits that petitioner no. 1 came to be implicated because of his criminal antecedent and the petitioner no. 2 came to be implicated as she is the wife of petitioner no. 1. He next submits that the alleged recovery is from a place which is accessible to public at large.

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 petitioners 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.2,000/- (Rupees Two 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 Siwan Mufassil P.S. Case No. 612 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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