

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21673 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- SIRDALA District- Nawada

1. LALITA DEVI, aged about 51 years (Female), W/o Ranjit Choudhary, R/o Village - Paroriya, P.S. - Sirdala, District - Nawada.
2. RAJU KUMAR, aged about 20 years (Male), S/o Ranjit Choudhary, R/o Village - Paroriya, P.S. - Sirdala, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Sirdala P.S. Case No. 387/2021 for the offence registered under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 13 liters wine is recovered from the house belonging to the joint family of the petitioners where other family members also reside.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 13 liters wine is recovered from the house belonging to the joint family of the petitioners where other family members also reside. The petitioner no. 1 is a lady. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-Ist, Nawada, in connection with Sirdala P.S. Case No. 387/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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