

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32084 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- DERNI BAZAR District- Saran

1. Puja Devi Wife of Bablu Sah Resident of Village- Pirari, P.S.- Darni, District- Saran
2. Bablu Sah @ Babulu Sah Son of Shiv Kumar Sah Resident of Village- Pirari, P.S.- Darni, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30 and 30a of the Bihar Prohibition and Excise Act.

Prosecution case is that 90 liters country made liquor was recovered from the house of petitioner no.2.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from their conscious possession and petitioner no.1 is a lady. Petitioners are poor farmers and have got no criminal antecedent.

Learned counsel appearing for the State opposes the



prayer for bail. He submits that there is recovery from the house of petitioner no.2 and petitioner no.1 happens to be wife of petitioner no.2.

Considering the fact that the recovery has been made from the house of petitioner no.2, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without being prejudiced by this order.

However, in the event of arrest/surrender within six weeks from today, let the petitioner no. 1, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act, Saran at Chapra in Derni Police Station Case No. 215 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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