

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27905 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- THARTHARI District- Nalanda

1. SURENDRA CHOUDHARY Son of Chhote Choudhary Resident of Village - Mai, P.S.- Parwalpur, District - Nalanda.
2. Juli Devi Wife of Surendra Choudhary Resident of Village - Mai, P.S.- Parwalpur, District - Nalanda.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 10



liters of country made liquor is said to have been recovered from the motorcycle of petitioner no.2. Petitioner No.1 is the husband of petitioner no.2. The said motorcycle is in the name of petitioner no.2. They have been falsely implicated in this case by the police due to some altercation between them on his refusal to cough up the demand of graft made by them. Petitioner no.1 has one criminal antecedent while petitioner no.2 has no criminal antecedent.

Petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Tharthari P.S. Case No.41of 2022, subject to the condition as laid down under Section 438 (2) of



the Cr.P.C., subject to the further conditions that

(1) One of the bailors will be her own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge herself in any similar offence till conclusion of the trial.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna.

Having regard to the facts and circumstances of the case and the criminal antecedent of the petitioner no.1, I am not inclined to enlarge him on anticipatory bail.

The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

(Anjani Kumar Sharan, J)

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