

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45695 of 2021

Arising Out of PS. Case No.-180 Year-2021 Thana- AWTARNAGAR District- Saran

1. TARAMUNI DEVI, W/o Budhan Mahto, R/o village- Madanpur Bintoli, P.S.- Awtar Nagar, District- Saran
2. Phula Devi, W/o Bhagwan Mahto, R/o village- Madanpur Bintoli, P.S.- Awtar Nagar, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Awtar Nagar P.S. Case No. 180 of 2021 registered for the offences punishable under Sections 30, 30(a) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 03.07.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that, as per the prosecution story, when the informant reached at the house of the petitioners on information that consignment of



liquor through motorcycle was arrived, the informant found two women (petitioners) and two men are talking each other and on seeing the Police, they tried to escape but they were apprehended. The informant recovered 70 litres of Mahua liquor from a Jute bag tied on the motorcycle and prepared the seizure list.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners have no criminal antecedent and they are in custody in connection with this case since 03.07.2021.

Learned counsel submits that 140 litres of illicit liquor were recovered allegedly from the motorcycle which does not belong to the petitioners and the seizure list was not prepared at the place of occurrence in accordance with law.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that 140 litres of illicit liquor were recovered allegedly from the motorcycle which does not belong to the petitioners, the seizure list was not prepared at the place of occurrence in accordance with law and



further they have no criminal antecedent and have remained in custody in connection with this case since 03.07.2021, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Saran at Chapra in connection with Awtar Nagar P.S. Case No. 180 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

