

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39125 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- CHIRAIYA District- East Champaran

1. NITU KUWAR W/o Late Jagarnath Sahani @ Jai Nath Sahani R/o Vill- Godiya, P.S.- Sikarganj, District - East Champaran, Motihari.
2. Ram Nath Sahani Son of Late Parem Sahani R/o Vill- Godiya, P.S.- Sikarganj, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Ravindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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 (Amendment) Act, 2018.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner no.
1 is a woman.

Allegation is of recovery of 10 litre of liquor from the
house of the petitioners.

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 the house is a joint family property, as such, it cannot be alleged with certainty that it was the petitioners who had kept the liquor in the house.

At this stage, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with a direction that in the event, if the petitioners surrender in the learned court below on or before 08.09.2022, the learned trial court shall dispose of the regular bail application on the same day keeping in mind that petitioners were not arrested from the house and, as such, nothing was recovered from their conscious possession and are persons with clean antecedent.

Permission is accorded.

Accordingly, the anticipatory bail application is dismissed as withdrawn in connection with Chiraiya (Sikarganj) P.S. Case No. 196 of 2022 pending in the Court of learned Special Excise Court No. 1, East Champaran, Motihari/successor Court.

(Satyavrat Verma, J)

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