

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40754 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- SAHPUR District- Bhojpur

1. JALANDHAR PASWAN Son of Bal Bachan Paswan Resident of village - Kamriyaon, P.S.- Tiyaar, District - Bhojpur. At present R/o Mohalla - Shahpur (Ward No.- 1), P.S.- Shahpur, District - Bhojpur.
2. Sarswati Devi Wife of Jalandhar Paswan Resident of village - Kamriyaon, P.S.- Tiyaar, District - Bhojpur. At present R/o Mohalla - Shahpur (Ward No.- 1), P.S.- Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

Learned counsel for the petitioners submits that the petitioners have antecedent of one case and allegation is of recovery of 22.860 litres of liquor from the house of petitioner no.1.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next



submitted that even the house is a joint family property which was not inquired prior to instituting the F.I.R., further the petitioner no. 2 came to be implicated merely because she is wife of petitioner no.1 who were living jointly with other relatives.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner no.2, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each 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 Shahpur P.S. Case No. 183 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as petitioner no.1 is concerned, learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to him.

Permission is accorded.

In the event, if the petitioner no.1 surrenders in the



learned trial court on or before 15.09.2022, the learned trial court shall dispose of the case on the same day keeping in mind the fact that petitioner was not apprehended from that spot, nothing was recovered from his conscious possession and the house is a joint family property.

(Satyavrat Verma, J)

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