

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53038 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. MALBHOGIA DEVI WIFE OF SRI UTTAM SAHANI @ UTTO SAHANI
R/O VILLAGE- SIRNIA, P.S.- ASHOK PAPER MILLS, DISTRICT-
DARBHANGA
 2. BILAS SAHANI SON OF UTTAM SAHANI @ UTTO SAHANI R/O
VILLAGE- SIRNIA, P.S.- ASHOK PAPER MILLS, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

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

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent, petitioner no. 1 is
a woman and allegation is of recovery of 30 litres liquor from a
gallon kept in the bamboo house of Sheela Devi and Shahansha
Sahani and 25 litres liquor from the bamboo house of the
petitioner.



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 also submitted that petitioner no.1 is a housewife and petitioner no.2 is her husband, who works under a contractor for Bharat Petroleum Corporation Limited at Kerala and is residing there permanently, it is next submitted that even the house does not belong to the petitioner, as in paragraph '9' it has been specifically stated that in the year 2006, petitioners had purchased 18 *dhurs* of land pertaining to Khata No. 178, Khesra No. 1783 and 2954 in village Sirnia where they are residing, but the police in a mechanical manner implicated the petitioners without holding proper investigation or inquiry.

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 petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is



pending/successor court in connection with Ashok Paper Mills
P.S. Case No. 100 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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