

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56020 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- KALUAHI District- Madhubani

1. Lalpari Devi W/O Late Ramprit Yadav Resident Of Village- Akaunha, P.S.- Deodha, District- Madhubani.
2. Anita Devi W/O Nage Yadav Resident Of Village- Akaunha, P.S.- Deodha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Kaluahi
P.S. Case No. 145 of 2022 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and in
custody since 05.09.2022.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 270 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from tempo, which is public carrier and accessible by general public, where both the petitioners were co-passengers and, as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of these petitioners, who are lady of having clean antecedents.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from the tempo, not from the conscious physical possession of the petitioners, who are lady having clean antecedents, let both the petitioners, above named, are directed to be released on bail in connection with Kaluahi P.S. Case No. 145 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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