

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57294 of 2022

Arising Out of PS. Case No.-240 Year-2022 Thana- RIGA District- Sitamarhi

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1. JAMUN SAHNI Son of Ram Dular Sahni R/V- Bhavdepur Got, Ward No. 18, P.S- Riga, Dist- Sitamarhi
 2. Chandan Kumar Son of Jamun Sahni R/V- Bhavdepur Got, Ward No. 18, P.S- Riga, Dist- Sitamarhi
 3. Sita Devi Wife of Jamun Sahni R/V- Bhavdepur Got, Ward No. 18, P.S- Riga, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 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 petitioner no.1 has antecedent of two cases and petitioner no.2 and 3 are persons with clean antecedent and are women and allegation is of recovery of 234 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 petitioner no.2 and 3 came to be implicated as they are son and wife of petitioner no.1, it is also submitted that they are persons with clean antecedent and they were completely unaware that petitioner no.1 had kept liquor in the house.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that recovery was made from the house and there is no pleading in the anticipatory bail application that the property was a joint family property or the petitioners were not staying in the house but were staying at Darbhanga, as submitted by the learned counsel for the petitioners but then the address where they were staying at Darbhanga is also not there in the anticipatory bail application.

Considering the submission, the court is not inclined to extend the privilege of anticipatory bail to the petitioners, however, in the event, if petitioner nos. 2 and 3 who are persons with clean antecedent and surrenders on or before 24.11.2022, then the learned trial court shall dispose of the case on the same day, keeping in mind that petitioners are persons with clean



antecedent and specific submission has been made that they were completely unaware that petitioner no.1 had kept liquor in the house.

(Satyavrat Verma, J)

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