

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.687 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- POTHIIYA District- Kishanganj

1. Krishna Hasda Son Of Late Deven Hasda Resident Of Village - Halda, P.S.- Pothia, Distt.- Kishanganj.
2. Koshalya Devi @ Kaushaliya Devi W/O Lal Man Das Resident Of Village - Nayaghat, P.S.- Pothia, Distt.- Kishanganj.
3. Rani Marandi W/O Late Badka Kisku Resident Of Village - Halda, P.S.- Pothia, Distt.- Kishanganj.
4. Nirmala Tuddu W/O Late Mandal Hasda Resident Of Village - Halda, P.S.- Pothia, Distt.- Kishanganj.
5. Mantu @ Mantu Marandi Son Of Late Abhiram Marandi Resident Of Village - Halda, P.S.- Pothia, Distt.- Kishanganj.
6. Budhan Soren Son Of Ramesh Soren Resident Of Village - Halda, P.S.- Pothia, Distt.- Kishanganj.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Section
30(a) of the Excise Act, 2016.

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
allegation is of recovery of 81 litre of liquor as detailed in the



F.I.R. from the house of six petitioners and one accused.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. Prior to this, they were never implicated in any case. It is also submitted that even women have been made accused. It is further submitted that the F.I.R. does not even remotely disclose that as to whether the house belongs to the petitioners from the house or the house is a joint family property. It is next submitted that in the nature of allegation, it appears that the informant in order to implicate innocent people showed recovery of liquor as detailed in the F.I.R. from different houses. It is further submitted that the name of petitioner no.2 was disclosed by local Chaukidar with whom her family is on an inimical term and thus, he falsely implicated her by disclosing her name instead of the name of her husband or any other joint family member. It is further submitted that name of rest of the petitioners was disclosed by police spy.

The learned counsel thus submits that if the recovery was made from the house, then there was no occasion for the police to seek information from the spy with regard to the ownership of the house. It is further submitted that had the recovery been made from the house, then the villagers or the



neighbours would have disclosed the name of the owner of the house, as such, it casts aspersion and on the entire search and seizure.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedent, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Pothia P. S. Case No.211 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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