

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67388 of 2022

Arising Out of PS. Case No.-542 Year-2022 Thana- WARISLIGANJ District- Nawada

1. Basanti Devi @ Sunaina Devi W/o Krishna Chaudhary R/o Village-
Moiuddinpur, P.S.- Warsaliganj, Distt- Nawada.
2. Geeta Devi W/o Bipin Chaudhary R/o Village- Moiuddinpur, P.S.-
Warsaliganj, Distt- Nawada.
3. Krishna Chaudhary S/o Late Baso Chaudhary R/o Village- Moiuddinpur,
P.S.- Warsaliganj, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners seeks permission to
withdraw the present anticipatory bail application with respect to
petitioner no.3.

Permission is accorded.

The petitioner nos. 1 and 2 apprehend their arrest in a
case registered for the offences punishable under Sections 30(a),
30(c), 37(c) and 41 of the Bihar Excise Act.

Learned counsel for the petitioners submits that
petitioners are women having clean antecedent and allegation is of
recovery of 20 litres liquor from the house of Bipin Kumar, 15
litres fermented *mahua* in 20 gallons which was destroyed at the
spot and 250 ml liquor was recovered from one Mahesh



Chaudhary.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and they came to be implicated based on the confessional statement of Mahesh Chaudhary in police custody which does not have any evidentiary value, it is also submitted that the alleged house from where the recovery is said to have been made does not belong to the petitioners.

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 nos. 1 and 2, in the event of their 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. 1,000/- (Rupees One 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 Warisaliganj P.S. Case No. 542 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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