

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6422 of 2023

Arising Out of PS. Case No.-450 Year-2021 Thana- JOKIHAT District- Araria

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1. MOKID Son of Jakir R/v- Bagmara, P.S.- Jokihat, District- Araria
 2. MEHJABI Wife of Mokid R/v- Bagmara, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with a
case registered for the offence punishable u/s 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Altogether 268 bottles of 100 ml. each of cough syrup is
said to have been recovered from the firewood house of the
petitioners.

Learned counsel for the petitioners submits that
petitioners are quite innocent and have not committed any
offence as alleged in the FIR. Petitioners have been falsely
implicated in this case. Petitioners have neither been
apprehended on the spot nor any incriminating article has been



recovered from his conscious physical possession. They have no concern either with the seized syrup. Petitioners are husband and wife and both of them have been made accused in the present case on the basis that recovery has been made from their house. Petitioner no.2 is a lady and has been implicated in this case only on suspicion. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) in the Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC SBIN0010340, State Bank of India, High Court Campus, Patna.

Considering the aforesaid facts and circumstances and that petitioner no.2 is a lady, let the petitioner no.2, named above, in the event of her arrest/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.25,000/- (Rupees Twenty Five Thousand) 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 Jokihat P.S. Case No.450 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Bihar State Bar Council Welfare Fund.

However, since the recovery has been made from the house of the petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is partly allowed.

(Anjani Kumar Sharan, J)

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