

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8741 of 2023

Arising Out of PS. Case No.-785 Year-2022 Thana- GARKHA District- Saran

1. KALAWATI DEVI, Female, aged about 55 years, Wife of Lalbabu Chaudhary, R/o Chintamanganj, P.S.- Garakha, District- Saran.
2. RITIKA KUMARI, Female, aged about 21 years, D/o Lalbabu Chaudhary, R/o Chintamanganj, P.S.- Garakha, District- Saran.
3. RAJ NANDINI KUMARI, Female, aged about 21 years, D/o Lalbabu Chaudhary, R/o Chintamanganj, P.S.- Garakha, District- Saran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Mrityunjay Kumar Tiwary, Advocate
For the Opposite Party	:	Mr. Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 785 of 2022 for the offence registered under Sections 272, 273, 353, 504, 506/34 of the I.P.C. and Sections 30(a), (d) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 500 liters wine is said to have been recovered from the joint house of the petitioners.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 500 liters wine is recovered from the joint house of the petitioners. The petitioners are named in the F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioners has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of



arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned First Exclusive Special Judge, Excise, Saran, in connection with Garkha P.S. Case No. 785 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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