

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22133 of 2023**

Arising Out of PS. Case No.-26 Year-2023 Thana- SISWAN District- Siwan

1. INDRAWATI DEVI W/o - Balaji Sah Resident of vill-Bhagar P.S.-Siswan, District-Siwan
2. NEHA KUMARI D/o - Balaji Sah Resident of vill-Bhagar P.S.-Siswan, District-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-05-2023                      Heard learned counsel for the petitioners and learned APP  
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 55 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 55 liters wine is recovered from the joint house of the petitioners. The names of the petitioners have transpired as the recovery is made from the joint houses of the petitioners where other family members



also reside. 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 (Sweta Kumari versus 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, let 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Siswan P.S. case No. 26/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/Nitin

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