

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25032 of 2023

Arising Out of PS. Case No.-526 Year-2022 Thana- PALIGANJ District- Patna

1. TUNTUN MANJHI Son of Late Surender Manjhi Resident of village - Akbarpur, P.S. - Paliganj, Distt. - Patna
2. LALITA DEVI Wife of Late Surender Manjhi Resident of village - Akbarpur, P.S. - Paliganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
of this Court to withdraw this application in respect of petitioner
No. 1 as he has been arrested and as such the application has
become infructuous.

Permission is accorded.

The application is dismissed as withdrawn in respect
of petitioner No. 1.

The petitioner No. 2 is apprehending her arrest in a
case registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.



The prosecution case, in short, is that 15 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 2 that there is no allegation of tampering of witnesses alleged against him. It is alleged that 15 liters wine is recovered from the joint house of the petitioner No. 2. The name of the petitioner No. 2 has transpired as the recovery is made from the joint house of the petitioner No. 2 where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner No. 2 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 petitioner No. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner No. 2, 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) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Paliganj P.S. case No. 526 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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