

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29909 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- KURSAKANTA District- Araria

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1. SUMITRA DEVI Wife of Durga Sada @ Durganand Sada Resident of Village - Mehdipur, Ward No.- 13, P.S.- Kursakanta, District - Araria.
 2. Durga Sada @ Durganand Sada Son of Late Suryanand Sada Resident of Village - Mehdipur, Ward No.- 13, P.S.- Kursakanta, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 1 is a woman and allegation is of recovery of 8.7 liters of liquor from the asbestos house of the petitioners.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such



nothing was recovered from their conscious possession, it is next submitted that the house is a joint family property in which other family members also live. It is thus submitted that it cannot be alleged with certainty that it were the petitioners who had concealed the liquor in the house as it is submitted that no reasonable person would use his/her own premises for committing an occurrence and thus would create evidence against himself/herself. It is next submitted that petitioners were implicated at the instance of local people, but then the F.I.R. does not disclose the name of the local people which casts aspersion on the veracity of the allegations as alleged in the F.I.R.

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 petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court



where the case is pending/successor court in connection
with Kursakanta P.S. Case No. 39 of 2023 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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