

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31411 of 2023**

Arising Out of PS. Case No.-99 Year-2023 Thana- WARISNAGAR District- Samastipur

SHOBHA DEVI @ LAKHO DEVI S/o- VINOD MAHTO Village-
Nagarbasti Ps- Mathurapur OP Warisnagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with one antecedent and allegation is of recovery of 25 liters of liquor from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted even alleged recovery is from a house which is a joint family property and as such, it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or



the liquor kept in the house was within his knowledge, it is further submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself. The learned counsel next submits petitioner because of his antecedent came to be implicated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Warisnagar P.S. Case No. 99 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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