

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35129 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- KANHauli District- Sitamarhi

1. ANITA DEVI @ BAILBASIA W/O RAMJEE PASWAN R/O Village-Orlahiya, P.S- Kanhauli, Distt.- Sitamarhi.
2. Lalan Paswan S/O Shambhu Paswan R/O Village- Orlahiya, P.S- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2023 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 offence punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and is a woman and petitioner no. 2 is a person with clean and allegation is of recovery of 288 liters of liquor from the Maize field of one Ram Laxman Mahto.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and they came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value and even the alleged recovery is from a place which does not belong to the petitioners.

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. 5,000/- (Rupees Five Thousand) each 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 Kanhauli P.S. Case No. 47 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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