

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44035 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. MINA DEVI Wife of Nand Kishore Prasad Resident of village - Hanumangarhi Sareya ward no. 6, P.S. - Gopalganj, Distt. - Gopalganj
 2. Satish Kumar Son of Murari Prasad Resident of village - Hanumangarhi Sareya ward no. 6, P.S. - Gopalganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Gopalganj Town P.S. Case No.895 of 2022 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016. The petitioner no.1 has got two criminal antecedent in which she is said to be on bail whereas petitioner no.2 has got no criminal antecedent.

3. As per the prosecution story, on 02.11.2022 at about 10.00 O'Clock when the informant was on patrolling duty he got a secret information that three persons are selling illicit liquor at NH-27 Ganga Nursery. It is alleged that on the basis of



said information, the informant and other police force reached there and saw that one lady and two men tried to flee away after leaving a gunny bag, but on chase one person was apprehended and two others are managed to flee away. It is further alleged that, on interrogation, the apprehended person disclosed his name as Dablu Kuma. Thereafter during the course of search total 18 liters of country made wine have been recovered from the gunny bag. The apprehended person disclosed the name of fled away persons as Mina Devi and Satish Kumar (petitioners).

4. Learned counsel for the petitioners submits that the names of the petitioners have transpired in the statement of the apprehended co-accused in the police custody and the seizure list witnesses are not independent witnesses rather they are Home-guards. Learned counsel submits that the petitioners have no concern with the apprehended accused Dablu Kumar.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that the names of the petitioners have transpired in the statement of the apprehended co-accused in the police custody and the seizure list witnesses are not independent witnesses rather they are Home-guards and the petitioners have no concern with the



apprehended accused Dablu Kumar who disclosed their names, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Spl. Excise Court No.1, Gopalganj in connection with Gopalganj Town P.S. Case No. 895 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

