

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65280 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- DAUDPUR District- Saran

1. AKASH KUMAR @ AKASH KUMAR SINGH S/o- SAROJ SINGH Village- Jaitpur Ps- Daudpur Dist- Saran
2. Aman Kumar @ Aman Kumar Gautam son of Saroj Singh Village- Jaitpur Ps- Daudpur Dist- Saran
3. Soni Kumari @ Soni Singh D/o- Saroj Singh Village- Jaitpur Ps- Daudpur Dist- Saran
4. Usha Devi wife of Saroj Singh Village- Jaitpur Ps- Daudpur Dist- Saran
5. Nilam Devi wife of Ajit Singh @ Guddu Singh Village- Jaitpur Ps- Daudpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Daudpur P.S. Case No. 148/2023 registered for the offences punishable under Sections 147, 341, 323, 353, 504, 506 of the Indian Penal Code and Sections 30 (a) of the Bihar Prohibition of Excise Act 2016.

3. As per prosecution case, there is alleged recovery of 540 ml foreign liquor from apprehended co-accused Saroj Singh, Guddu Singh and Vinay Singh. It is further alleged



that on their statements, 200 liters country made liquor was also recovered from the ditch which is located near the house of the co-accused persons. It is further alleged that the petitioners made scuffle with the raiding team and they managed to release one apprehended co-accused Guddu Singh and they abused the raiding team.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. The petitioner nos. 3 to 5 are ladies and bear no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners have nothing to do with the alleged occurrence. He further submits that the police apprehended two co-accused Saroj Singh and Vinay Singh and co-accused Guddu Singh had fled away from the place of occurrence and the police team made undue pressure upon the petitioners to produce the said co-accused, Guddu Singh and the same was protested by the petitioners as a result of which they were implicated in this case. He further submits that the seizure list has not been prepared as per law. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made



out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, the petitioner nos. 3 to 5 are ladies, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2 cum Exclusive Special Excise Court-I, Saran at Chapra in connection with Daudpur P.S. Case No. 148/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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