

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73997 of 2023

Arising Out of PS. Case No.-556 Year-2023 Thana- SUPAUL District- Supaul

1. Kanchan Devi W/O Baiju Mehta R/O Village- Amha, Ward No. 06, P.S- Supaul (LAUKAHA O.P), Distt.- Supaul.
2. Anupam Devi @ Anupam Kumari W/O Bamshankar @ Bambam Mehta R/O Village- Amha, Ward No. 06, P.S- Supaul (LAUKAHA O.P), Distt.- Supaul.
3. Anita Devi W/O Abhimanyu Kumar R/O Village- Amha, Ward No. 06, P.S- Supaul (LAUKAHA O.P), Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Ranjay Kumar Singh, learned counsel for

the petitioners and Mr. Mukesh Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Supaul (Laukaha O.P.) P.S. Case No. 556 of
2023, F.I.R dated 07.07.2023 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

3. Recovery is of 86.400 liters of different brand of
liquor.

4. Learned counsel for the petitioners submits that



the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the husband of the petitioners are also made accused in the present occurrence. He further submits that it appears from the F.I.R that altogether 86.400 liters of liquor of different brand from the vehicle in question which was standing near the house of the petitioners and the petitioners are neither the owner nor the driver of the said vehicle in question. He further submits that the petitioners have no concern at all with the alleged recovery of the illicit liquor. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioners under the Bihar Prohibition and Excise Act.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. Their court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on



behalf of the parties, ttheir Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners and the petitioners have clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Special Judge Excise, Court No. 1, Supaul in connection with Supaul (Laukaha O.P.) P.S. Case No. 556 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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