

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.372 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- TAJPUR District- Samastipur

1. MANJU DEVI @ MUJU DEVI Wife of Jinis Lal Sahni R/V- Tiswara, P.S- Tajpur (halai O.P) Dist-Samastipur
2. Sundar Kumari @ Suman Kumari Daughter of Jinis Lal Sahni R/V- Tiswara, P.S- Tajpur (halai O.P) Dist-Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 460 of 2022 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon information that Jinis Lal Sahni and Mantun Sahni are selling country made liquor, raided the house of Jinis Lal Sahni and 8 litre country made liquor was recovered/seized. Further from the house of Mantun Sahni, 4 litre country made liquor was recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioners submit that the



petitioners are wife and daughter of accused Jinis Lal Sahni, are ladies and they do not have criminal antecedent.

Learned APP on the other hand opposes the prayer of bail.

Taking into account all the aforesaid facts as also the fact that the petitioners are wife and daughter of accused Jinis Lal Sahni, are ladies and they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

If however, it is found that they do have criminal antecedent, the bail order shall become infructuous.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Tajpur (Halai O.P.) P.S. Case No. 460 of 2022 to the satisfaction of learned Special Judge, Excise Act 2, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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