

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81104 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- BHAWANIPUR District- Purnia

1. GOPAL URAON SON OF BUCHKUN URAON RESIDENT OF VILLAGE - SURAITI, AADIWASI TOLA, P.S. - BHAWANIPUR, DISTRICT - PURNEA
2. ANJALI DEVI WIFE OF KARE LAL URAON RESIDENT OF VILLAGE - SURAITI, AADIWASI TOLA, P.S. - BHAWANIPUR, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Adv.
For the Opposite Party/s : Mr.Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016

3. Allegedly, 40 litres of country made liquor has been recovered from the house of petitioner no.1. Seeing the police, all the accused persons fled away from the spot. Petitioner no.2 is said to be an associate of petitioner no.1.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the



conscious physical possession of the petitioners. They have no concern either with the seized liquor or place of recovery or any trade of liquor. The allegation levelled against the petitioners is general and omnibus in nature. They were not apprehended on the spot. They had not consumed liquor. The house of the petitioner no.1 is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner no.2 is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bhawanipur P.S. Case No. 221 of 2023,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be her own blood relative, preferably, father, mother, brother, sister and/or her husband.

(2) The petitioner shall not indulge herself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

8. However, the illicit liquor has been recovered from the house of petitioner no.1, I am not inclined to enlarge him on anticipatory bail.

9. The prayer for anticipatory bail of the petitioner no.1 is hereby rejected.

10. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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