

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23981 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- TARAIYA District- Saran

1. Raj Kumari Devi, Female, aged about 50 years, Wife of Pujan Manjhi.
2. Jailal Manjhi, Male, aged about 20 years, Son of Pujan Manjhi.
Both resident of Village-Chainpur Kharati, P.S.-Taraiya, District-Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody in connection with Taraiya P.S Case No. 349 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 183, 427, 188, 189, 353, 333, 307, 356, 354 (b) of I.P.C and Section 30(a), 32 (3) 45 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, total 40 liters illicit country made spirit has been recovered from the petitioners.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. It is further submitted that no incriminating article has been recovered from



the conscious possession of the petitioners. There is no any independent witnesses either in the FIR or in the seizure list. Nothing has been recovered from the possession of the petitioners. Petitioners have got no criminal antecedent as stated in para 3 of the petition. Petitioners are mother and son who are in judicial custody since 17.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. From perusal of the FIR and the impugned order of the learned 3rd Exclusive Special Excise Court, Saran at Chapra dated 07.02.2024, it appears that petitioners have clean antecedent as stated in para 3 of the petition. Similarly situated co-accused person namely Kismati Devi has been granted bail by this Court in Cr. Misc. No. 16528 of 2024 vide order date 11.03.2024, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Taraiya P.S Case No. 349 of 2023.

(Ramesh Chand Malviya, J)

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