

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17267 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- BANKA District- Banka

1. Rakhi Devi W/o Ranjit Rai R/o vill - Karar, P.s. - Banka, Distt. - Banka
2. Puno Devi @ Rakhi Devi @ Sita Devi W/o Bambam Rai R/o vill - Karar, P.s. - Banka, Distt. - Banka
3. Ranjit Rai S/o Harkhu Rai R/o vill - Karar, P.s. - Banka, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 122 of 2023 dated 05.03.2023 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 30 litres of illicit country made liquor was recovered from the house of the petitioners and the co-accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners has surfaced in this case only on the basis of secret information. Learned counsel has further submitted



that the petitioner no. 1 and 2 are ladies. Nothing has been recovered from the conscious possession of the petitioners. As per the seizure list, the recovery was made from the house of the petitioner, Ranjit Rai. It is further submitted that the petitioners have no concern with the alleged offence. The petitioners have two criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the said recovery has been made from the house of the petitioner no. 3, Ranjit Rai.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 2, namely, Rakhi Devi and Puno Devi @ Rakhi Devi @ Sita Devi, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Banka P.S. Case No. 122 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the petitioner nos. 1 and 2, namely, Rakhi Devi and Puno Devi @ Rakhi Devi @ Sita Devi.

8. So far as, the recovery has been made from the house of the petitioner no.3 namely, Ranjit Rai, I am of the view that no case



for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no.3 namely, Ranjit Rai to surrender before the concerned Court below within eight weeks from the date of this order and the learned Court below shall consider his prayer for regular bail without being prejudiced by this order.

9. Accordingly, the application regarding the petitioner no.3 namely, Ranjit Rai stands disposed of.

(Chandra Prakash Singh, J)

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