

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40512 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- PANAPUR District- Saran

1. Panna Devi @ Pana Devi, W/O Shatrudhan Nat
 2. Suganti Devi, W/O Chandeshwar Nat,
 3. Lali Devi, W/O Vinod Nat
- All are residents of village- Bagdiha, P.S- Panapur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Panapur P.S. Case No. 208 of 2023 for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioners selling illicit liquor. A raid was conducted and from the bushes behind the houses of the petitioners, recovery of 5 liters, 2 liters and 4 liters country made *Mahua* liquor, respectively was made.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the liquor seized by the police and they have nothing to do with the place from where recovery has been made. From the FIR, it is evident that recovery has been made from an open place. The petitioners are having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioners and the recovery has been shown from an open place and further considering the possibility of false implication and clean antecedent of the petitioners, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran, Chapra, in connection with Panapur P.S. Case No. 208 of 2023, subject to the



condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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