

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45486 of 2024

Arising Out of PS. Case No.-357 Year-2019 Thana- NAUTAN District- West Champaran

1. Punam Kumari, D/O Indal Yadav R/O Budhwaliya, P.S- Nautan, Distt.- West Champaran, Bihar.
2. Mulayam Yadav, S/O Indal Yadav R/O Budhwaliya, P.S- Nautan, Distt.- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case and petitioner no.1 is a woman and allegation is of recovery of 1.9 litres of liquor from the Bathan of Indal Yadav.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and Bathan is a place



outside the house and thus, is accessible to villagers at large and as such, it appears that someone planted meager amount of liquor in order to implicate the petitioners and their family members including their father, who was also arrested. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus, would create evidence against themselves and hence, would get implicated.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-1st, Excise, Bettiah, West Champaran in connection with Nautan P. S. Case No.357 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the



criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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