

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43424 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BISFI District- Madhubani

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1. Gambhira Devi Wife of Late Uttam Sahani @ Uttim Sahni R/O Vill.- Bharantol, P.S.- Bisfi, Dist.- Madhubani
 2. Pinki Devi Wife of Santosh Sahani @ Uttim Sahni R/O Vill.- Bharantol, P.S.- Bisfi, Dist.- Madhubani
 3. Santosh Sahani Son of Late Uttam Sahani @ Uttim Sahni R/O Vill.- Bharantol, P.S.- Bisfi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2024 1. 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 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioners no. 1 and 2 are women.

4. Allegation is of recovery of 391.01 litres of liquor from a place behind the house of petitioner no. 3.

5. Learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large. It is further submitted that petitioners came to be implicated based on the secret information which is the easiest way to implicate someone, when petitioners admittedly are persons with clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bisfi P.S. Case No. 79 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal



antecedent of the petitioners and if it is found that petitioners have antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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