

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42119 of 2024**

Arising Out of PS. Case No.-168 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

MUNIYA DEVI @ MUNNI DEVI W/O- LATE OSI HAR BIN VILLAGE-
GAUR KATHAK, P.S.- G.B. NAGAR, DISTT.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42806 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

Arun Kumar S/o Late Osihar Bin R/o vill - Gaur Kathak, P.s. - G.B. Nagar,
Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42119 of 2024)
For the Petitioner/s : Mrs.Urmila Kumari, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP
(In CRIMINAL MISCELLANEOUS No. 42806 of 2024)
For the Petitioner/s : Mrs.Urmila Kumari, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard Mrs. Urmila Kumari, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending arrest in
connection with G.B. Nagar P.S. Case No. 168 of 2024
instituted under Section 30(a), 30(b), 34, 36 of the Bihar
Prohibition and Excise Act lodged on 14.4.2024 by the



informant, Shawati Kumari.

3. As per the prosecution story, the informant alleged that upon secret information, the house of the petitioners were raided and in course thereof, from the back side, 97.5 liters country made mahua was recovered alongwith the utensils for its preparation. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that it is an open place which has access to everyone, they were not at the place of occurrence and only due to village enmity, were named. Further, the petitioner (in Cr. Misc. No. 42119 of 2024) is a lady, do not have criminal antecedent while the petitioner (in Cr. Misc. No. 42806 of 2024) though he has criminal antecedent, is a student and only 19 years of age.

5. Learned APP opposes the prayer stating that the recovery is allegedly near the house of the petitioners.

6. Taking into account the aforesaid facts/submissions as also the fact that recovery is from outside place, the petitioner (in Cr. Misc. No. 42119 of 2024) is a lady, do not have criminal antecedent while the petitioner (in Cr. Misc. No. 42806 of 2024) though he has criminal antecedent, is a student and only 19 years of age, this Court is inclined to extend them the privilege



of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with G.B. Nagar P.S. Case No. 168 of 2024 to the satisfaction of learned Special Excise Court-I, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

