

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46000 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Reenku Devi Wife of Manoj Sah R/O Vill.- Khaurwa Pokhra, P.S.-
Banjariya, Dist.- East Champaran
 2. Manoj Sah Son of Kapildeo Sah R/O Vill.- Khaurwa Pokhra, P.S.-
Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Turkauliya (Banjariya) Police Station Case No. 123 of 2024 registered under Sections 272, 273 of the Indian Penal Code and Section 30(a), 45 of Bihar Prohibition and Excise Act lodged on 19.02.2024 by the informant, Indrajeet Paswan.

3. As per the prosecution story, the informant alleged that on 19.02.24, the informant upon confidential information headed the place/house of the petitioners whereafter two persons escaped and the *Chowkidar* identified them as the two petitioners herein. Upon search, two gallons of 30 litres each countrymade liquor, totalling 60 litres recovered/ seized. This followed FIR.

4. Learned counsel for the petitioners submit that the



Chowkidar is inimical to petitioner No. 2 and as such, in every case, he gets implicated. The recovery is not from their conscious possession and it being a joint house, the recovery cannot be attributed to them.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they have criminal antecedent.

6. Taking into account the fact that though they have criminal antecedent, the fact remains that recovery is from a joint house when no one was present, the name has come on the report of the *Chowkidar*, FIR has been alleged against both of them and they will be facing the trial, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, Excise Court No. 1, East Champaran at Motihari in connection with Turkauliya (Banjariya) Police Station Case No. 123 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their *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 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 their bail bonds;

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

(Rajiv Roy, J)

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