

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43010 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- PUNAURA District- Sitamarhi

1. Bhagwan Mahto @ Kaliya S/O Late Ghanna Mahto R/O Village- Punaura East, P.S- Punaura, Distt.- Sitamarhi.
2. Urmila Devi W/O Bhagwan Mahto @ Kaliya R/O Village- Punaura East, P.S.- Punaura, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Punaura P.S. Case No. 63 of 2024, instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is recovery of 270 litres of Nepali Saufi wine from the house of Bhagwan Mahto.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioner No. 1 is a poor man. He was never involved in the trade of liquor. Recovery has been shown from the house of Petitioner No. 1 but there is no independent witness. Petitioner No.



2 is a lady. Being the wife of Petitioner No. 1, she has been implicated in this case. Petitioners have no criminal antecedents

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the recovery of huge amount of liquor from the room of Petitioner No. 1, kept below the bed, he is not entitled for anticipatory bail. Accordingly, prayer for anticipatory bail of Petitioner No. 1 is rejected.

7. So far as Petitioner No. 2 is concerned, considering that she is a lady and facts and circumstances of the case, let Petitioner No. 2, in the event of arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Punaura P.S. Case No. 63 of 2024, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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