

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43406 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MADHWAPUR District- Madhubani

1. Seema Kumari, D/o Raman Sah, Resident of Village- Pirokhar Kayasth Tola, Ward No. 7, P.S.- Madhwapur, Distt.- Madhubani.
2. Sheela Devi, W/o Kamlesh Sah, Resident of Village- Pirokhar Kayasth Tola, Ward No. 7, P.S.- Madhwapur, Distt.- Madhubani.
3. Marni Devi, W/o Nunu Sah, Resident of Village- Pirokhar Kayasth Tola, Ward No. 7, P.S.- Madhwapur, Distt.- Madhubani.
4. Nunu Sah, Son of Late Ram Prasad Sah, Resident of Village- Pirokhar Kayasth Tola, Ward No. 7, P.S.- Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 30-08-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Madhwapur P.S. Case No. 33 of 2024, registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.



3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery 123.30 of IMFL/country made liquor from the bank of the pond, near orchard.

4. Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the bank of pond, which is an open place and accessible by general public, and thus it can be said safely that recovery of alleged illicit liquor was not made from the conscious physical possession of petitioners. It is submitted that petitioner nos. 1, 2 and 3 are lady, whereas petitioner no. 4 is the husband of petitioner no. 3 and their implication appears only being the relative of co-accused Kamlesh Sah, who was the prime suspect.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor not appears to be made from conscious physical possession of petitioners, accordingly, all above named petitioners, in



the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned Court, where the case is pending in connection with Madhwapur P.S. Case No. 33 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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