

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50011 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

1. JIWACHHI DEVI WIFE OF LILEEP PASWAN @ RILIP PASWAN @ SILIP PASWAN RESIDENT OF VILLAGE - RAIYAM (PASWAN TOLA), P.S. - BHAIKAVSTHAN, DISTRICT - MADHUBANI
2. MANJU PASWAN WIFE OF RATAN PASWAN RESIDENT OF VILLAGE - RAIYAM (PASWAN TOLA), P.S. - BHAIKAVSTHAN, DISTRICT - MADHUBANI
3. LALITA DEVI WIFE OF LATE KAMALDEO PASWAN @ KAMDEO PASWAN RESIDENT OF VILLAGE - RAIYAM (PASWAN TOLA), P.S. - BHAIKAVSTHAN, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Ms.Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bhairavsthan P.S. Case No. 43 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 60 litre country made chulai liquor was recovered from bushes. Local people disclosed the name of the petitioners who succeeded in fleeing away from the place of occurrence.



4. Learned counsel for the petitioners submits that from perusal of the F.I.R., it is not clear as to who has divulged the name of petitioners, and hence the authenticity of the F.I.R. is doubtful. He further submits that the place of recovery is an open place which is accessible to all and petitioners cannot be held liable for the alleged recovery. Seizure list has not been made as per law. Petitioner nos. 1 and 2 bear no criminal antecedent and petitioner no. 3 bears criminal antecedent of one case in which she is on bail. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioners. He further submits that petitioners are not present at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender



before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Bhairavsthan P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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