

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63067 of 2024

Arising Out of PS. Case No.-67 Year-2022 Thana- NAUBATPUR District- Patna

1. Phoola Devi W/O Satya Nand Yadav R/O Village- Chak Chechaul Maharajganj, P.S- Naubatpur, Distt.- Patna.
2. Pushpa Devi W/O Dharmendra Kumar @ Chhotey R/O Village- Chak Chechaul Maharajganj, P.S- Naubatpur, Distt.- Patna.
3. Dharmendra Kumar @ Chhotey S/O Satya Nand Yadav R/O Village- Chak Chechaul Maharajganj, P.S- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh
For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Bihar Excise Act.
3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and petitioner nos. 1 and 2 are women and allegation is of recovery of 60 liters of liquor from cowshed of Phoola Devi.
4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession and cowshed is a place outside the house and thus is accessible to villagers at large. It is next submitted that no prudent person would use her own premises for committing an occurrence and thus would create evidence against herself and hence would get implicated. It is also submitted that petitioners came to be implicated at the instance of local people, but then it is submitted that in majority of the cases police implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation.

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

6. Considering the submissions made by the learned counsel for the petitioners, 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 bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Naubatpur P.S. Case No. 67 of 2022 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that any of the petitioners have antecedent of even one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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