

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73474 of 2024

Arising Out of PS. Case No.-57 Year-2020 Thana- MEHANDIGANJ District- Patna

1. Shiromani Devi @ Shrimoni Devi W/O Rahul @ Nageshwar Rai @ Nagesar Ram R/O Mohalla Ranipur Adda, P.S.- Mehadiganj, District-Patna
2. Shyam Devi @ Shyama Devi W/O Dhubul Rai @ Sukul Rai R/O Mohalla Ranipur Adda, P.S.- Mehadiganj, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-12-2024 Heard the parties

2.The petitioners are not named in the F.I.R. and apprehending their arrest in connection with Mehadiganj P.S. Case No. 57 of 2020 registered for the offences punishable under Section 147, 148, 149, 341, 323, 504, 506, 307, 332, 333, 342, 224, 201, 338, 427, 353, 427, 353, 225, 379 of the IPC and 27 of the Arms Act along with 45 of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 30 litres of IMFL/country made



liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner was not named in the FIR and his name transpired during the course of investigation on the basis of statement of constable no. 7687 namely, Yasvindar Kumar Chaudhary without suggesting any incriminating materials *qua* petitioner. It is also submitted that petitioners have no concern with Girija Rai or his family and also has no concern with the seized wine. It is pointed out that petitioners are the lady of clean antecedent. While concluding argument it is submitted that similarly situated co-accused persons were granted anticipatory bail by different learned co-ordinate Bench of this Court through Cr. Misc No. 25442 of 2021 and Cr. Misc No. 29261 of 2020.

5 Learned APP, while opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as save and except suspicion nothing appears incriminating against petitioners who are the lady of clean antecedent, accordingly, petitioners above named, in the event of their arrest or surrender before



the court below within a period of four weeks, 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 Special Judge (Excise) Patna city/concerned Court, where the case is pending in connection with Mehadiganj P.S. Case No. 57 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS, subject to further conditions:-

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.”

(Chandra Shekhar Jha, J)

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