

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72562 of 2024

Arising Out of PS. Case No.-399 Year-2023 Thana- BAHADURPUR District- Patna

1. Shushma Kumari D/o Raghabh Manjhi Resident of village- Bahadurpur Musahari, PS- Bahadurpur, District- Patna
2. Vikash Kumar S/o Raghubir Manjhi Resident of village- Bahadurpur Musahari, PS- Bahadurpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend arrest in Bahadurpur P.S.
Case No. 399 of 2023, registered under Sections 30(a) and 36 of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 150 liters
liquor was recovered from the house of petitioner no. 2 namely
Vikash Kumar.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. The petitioners have got no concern with the
alleged recovery of liquor. Learned counsel for the petitioners
also submits that petitioner no.1 is a married lady and she is



living with the family of her husband in other city. It is also alleged that the recovery of liquor has been made from the house of petitioner no.2. The petitioners have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 32077 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP for the State further submits that specific allegation of keeping illicit liquor in house is against petitioner no.2. Hence, petitioner no. 2 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation against petitioner no. 2, this Court is not inclined to grant bail to petitioner no. 2. So far as remaining petitioner, i.e. petitioner no. 1, is concerned, this Court is inclined to grant bail to petitioner no. 1.

7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 2, namely, Vikash Kumar, is hereby, **rejected**. However, petitioner no. 2 is directed to surrender in



the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without prejudiced by this order.

8. So far as petitioner no. 1 is concerned, let the petitioner **(i.e. petitioner no. 1)**, above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahadurpur P.S. Case No. 399 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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