

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.422 of 2024**

Arising Out of PS. Case No.-368 Year-2023 Thana- DIDARGANJ District- Patna

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1. Sakeela Devi W/O Late Umesh Rai @LATE Umesh Paswan R/O Village-Didarganj, Ward No. 72, P.S.-DIDARGANJ, District-Patna
  2. Vishal Kumar S/O Late Umesh Rai @LATE Umesh Paswan R/O Village-Didarganj, Ward No. 72, P.S.-DIDARGANJ, District-Patna
  3. Mukesh Kumar S/O Late Umesh Rai @LATE Umesh Paswan R/O Village-Didarganj, Ward No. 72, P.S.-DIDARGANJ, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Jay Ram Prasad  
For the Opposite Party/s : Mr.Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      10-04-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of anticipatory bail in connection with Didarganj P.S. Case No. 368 of 2023, registered for the offences punishable under Section 30(a)/36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 30 litres of illicit country made mahua was recovered from the house of the petitioner no. 1 (Sakeela Devi) and she fled away on seeing the police party.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioners have got no criminal antecedent as stated in para 3 of the bail petition. The petitioners have no concern with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners no. 2 and 3.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the recovery has been made from the house of the petitioner no. 1 (Sakeela Devi).

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners no. 2 and 3, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna City in connection with Didarganj P.S. Case No. 368 of 2023 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the petitioners no. 2 and 3.



8. So far regarding petitioner no. 1 namely Sakeela Devi, considering the aforesaid facts and circumstances of the case, as well as the fact that the alleged recovery was made from the house of the petitioner no. 1 Sakeela Devi, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no. 1 to surrender before the court below concerned within six weeks from today and pray for regular bail and the learned Court below may consider the prayer for regular bail of the petitioner no. 1 on the same day without being prejudiced by this order.

**(Chandra Prakash Singh, J)**

Ranjeet/-

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