

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89679 of 2024

Arising Out of PS. Case No.-323 Year-2024 Thana- JOGAPATTI District- West Champaran

1. Sudarshan Sah S/O Dhruv Sah R/o Village - Dumari, Police station - Yogapatti, District- West Champaran
2. Rupa Devi W/O Sudarshan Sah R/o Village - Dumari, Police station - Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Yogapatti PS case no. 323 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information report, is that on 29.10.2024, police got information that petitioner no. 1 along with wife, petitioner no. 2 is indulged in the business of illicit liquor. They proceeded towards the place of occurrence and recovered total



05 liters of illicit countrymade liquor from a room meant for keeping firewood as well as from beneath the straw.

4. Learned Counsel for the petitioners submits that illicit liquor has been recovered in front of the house of the petitioners kept in a room meant for keeping firewood and it has not been recovered from inside the house of the petitioners. Since fuel room is situated outside the house, it is accessible to everyone. He further submits that petitioners are husband and wife and they are having clean antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from in front of the house of the petitioners and not from inside the house and petitioners are having clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran in connection with Yogapatti PS



case no. 323 of 2024, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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