

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24976 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -MUNGER MUFFASIL District- MUNGER

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1. Rinki Devi @ Rinki Kumari wife of Kishore Yadav Resident of Village-
Mahuli, P.S. Mufassil, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Kumar Sinha

For the Opposite Party/s : Mr. Hirday Pd. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 31-08-2016

Heard both sides.

The petitioner apprehends his arrest in Mufassil P.S.
case No. 92 of 2016 under Section 47(a) of the Excise Act.

The gist of the allegation is that the petitioner, being
a licensee of Indian made foreign liquor, supplied and kept foreign
liquor to different places after coming into force of new Excise
Act. It is alleged that the recovered foreign liquors were of the
same batch which were supplied to the petitioner.

Sri Yogesh Chandra Verma, the learned senior
counsel for the petitioner, submits that petitioner and her husband,
Kishore Yadav, are licensee of foreign liquor. Nothing has been
recovered from the conscious possession of the petitioner or her
husband, Kishore Yadav. The foreign liquors were recovered from



different places or abandoned places and for that the petitioner cannot be held responsible. There is no evidence to show that petitioner sold any foreign liquor after coming into force of new Excise Act or kept any foreign liquor at abandoned places. Foreign liquors of same batch were issued or delivered by the warehouse to different licensees as it appears from perusal of page 37 that batch No. 30 was issued to different licensees on 01.09.2015. Similarly, batch No. 9 and 10 were issued in July, 2015 and batch No.5 in June, 2015. Therefore, it cannot be said that recovered foreign liquor were delivered to the petitioner.

The learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail.

It appears that nothing has been recovered from the possession of the petitioner. The petitioner is, of course, a licensee and it is alleged that petitioner, after coming into force of new Excise Act, kept foreign liquor to different abandoned places so that she may be able to supply the same but nobody has seen the petitioner keeping the foreign liquor to any place. It also appears that foreign liquors of same batch were issued to different licensees, therefore, it cannot be said that the recovered foreign liquor were delivered to the petitioner only.

Considering the facts aforesaid and the fact that

petitioner is a lady, the above named petitioner, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Munger in Mufassil P.S. Case No. 92 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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