

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34504 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -PIPRAHI District- SHEOHAR

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Sharda Devi @ Munsiyian, W/o- Late Shivbachan Prasad, R/o- Ward No.3
Piprahi, P.S.- Piprahi, District- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binit Kumar, Advocate.

For the Opposite Party : Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-12-2016 Heard both sides.

The petitioner apprehends her arrest in Piprahi P.S.
Case No. 29 of 2016, registered for the offences punishable under
Sections 47(A) of the Excise (Amendment) Act, 2016.

The prayer for anticipatory bail of the petitioner was
earlier rejected vide order dated 21.07.2016 passed in Cr. Misc.
No. 21137 of 2016. The petitioner again filed this petition for
grant of anticipatory bail on the ground that the notification of
banning the sale of country made liquor as well as foreign liquor
came into force on 05.04.2016, therefore, on 01.04.2016 selling of
Indian made foreign liquor was not an offence under the Excise
(Amendment) Act, 2016 but it appears from perusal of the records
that the petitioner took the shop on rent for running a shop in



which the petitioner was selling the foreign liquor without having any valid license under the old Excise Act.

Huge quantity of Indian made foreign liquor of different brands was recovered. The petitioner had taken plea at the first instance that she had sublet the shop. Now, in the present petition, it is submitted on behalf of the petitioner that selling of Indian made foreign liquor is not an offence before promulgation of the new Act. The petitioner is an old lady. The submission is not at all acceptable. Even before the present Act came into force there was provision for license to sale the country made liquor and the foreign liquor. The petitioner was selling foreign liquor without having valid license.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is once again rejected.

(Prabhat Kumar Jha, J.)

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