

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44106 of 2016

Arising Out of PS.Case No. -235 Year- 2016 Thana -GIRIYAK District- NALANDA
(BIHARSHARIF)

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Manju Devi, Wife of Rajendra Chaudhary, Resident of Village-Bakra, P.S.-
Giriyak, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the State : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Giriyak P.S. Case No. 235 of 2016 dated 11.08.2016 instituted under
Sections 272/273 of the Indian Penal Code and 47A of the Excise
Act.

The allegation against the petitioner is that in her
house four litres of illicit country liquor in a plastic container was
found.

Learned counsel for the petitioner submits that there
is no recovery of any manufacturing articles and even the allegation
of recovery of the liquor is incorrect as in the seizure list, the identity
of the petitioner is not correct inasmuch as the name of her husband is
wrong. Learned counsel submits that there has been no complaint or

case against the petitioner with regard to manufacturing illicit liquor and she has clean antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that as the law stands, possession of liquor is prohibited with stringent penal consequences. It is further submitted that the four litres of liquor in plastic container has been recovered which was freshly fermented, and, thus, such quantity being stored in a plastic container cannot be said to be only for personal consumption and clearly indicates that the petitioner was indulging in such activity.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer is rejected.

However, in the event the petitioner surrenders before the Court below and seeks regular bail, the same shall be considered on its own merits, preferably on the same day, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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