

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13205 of 2017

Arising Out of PS.Case No. -202 Year- 2016 Thana -IMAMGANJ District- GAYA

- =====
1. Shilpi Kumari @ Shilpi, D/O Naresh Saw @ Naresh Paswan
 2. Urmila Devi, W/O Naresh Saw @ Naresh Paswan, both resident of village-Nagama, P.S. Imamganj, District-Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard.

The petitioners apprehend their arrest in connection with Imamganj P.S.Case No.202 of 2016 pending in the Court of SDJM, Sherghati, Gaya registered for an offence under Section 272 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The informant is a police officer. He got an information regarding illegal trade of mahua, conducted raid in the house of these petitioners and seized five litres mahua wine in presence of local witnesses. The petitioners, however, seeing the police party, escaped from their house.

The learned counsel for the petitioners submits that nothing was recovered from the conscious possession of these petitioners. He further submits that the petitioners are ladies and



they have been falsely implicated at the instance of their neighbours who are at inimical term. The petitioner no.1 is a married daughter of petitioner no.2 and she is residing at different place having no concern to the place of occurrence.

The learned APP, on the other hand, opposed the submission, by submitting that in view of provision of Section 76(2) of the Bihar Provision of Excise Act, 2016, the present anticipatory bail petition is not maintainable. Besides that the police have seized country made wine from their house in presence of independent witnesses.

In the facts and circumstances of the case, the prayer of the petitioners is rejected.

However, if the petitioners surrender before the court below and prays for bail, their bail prayer shall be considered on its own merit without being prejudiced by this order.

(Sanjay Kumar, J)

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