

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28836 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -RIVILGANJ District- SARAN

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1. Sabita Devi W/o Late Kanhaiya Singh, Resident of Village- Mubarkpur,
P.S.- Revilganj, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in connection with Revilganj P.S. Case No.104 of 2017, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30 of the Bihar Prohibition and Excise Act, 2016, pending in the Court of learned Chief Judicial Magistrate, Saran at Chapra.

Petitioner is a widow lady and owner of the auto rickshaw from which the liquor was recovered.

Submission of the learned counsel for the petitioner is that the petitioner had no knowledge of the liquor on the said auto rickshaw.



In view of the presumption under Section 32 of the of the Bihar Prohibition and Excise Act, 2016, this anticipatory bail application is not maintainable due to specific bar under Section 76(2) of the Act. Accordingly, the application is dismissed as not maintainable. However, prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

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