

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3984 of 2018

Arising Out of PS.Case No. -659 Year- 2017 Thana -BARACHATTI District- GAYA

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Kaili Devi Wife of Late Tilak Chaudhary Resident of Village - Sitachak,
P.S. - Barachatti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Barachatti P.S. Case No. 659 of 2017 registered for the offence punishable under Sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 15 liters of illicit country made liquor from a house from where the co-accused person, namely, Parwa Devi was arrested and the said Parwa Devi had disclosed that the said house belongs to the petitioner herein.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case inasmuch as neither the house from where the liquor has been recovered,



belongs to the petitioner nor any recovery has been made from the conscious possession of the petitioner. The petitioner is stated to be having a clean antecedent. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Barachatti P.S. Case No. 659 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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