

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12553 of 2018**

Arising Out of PS. Case No.-158 Year-2017 Thana- DARAUNDHA District- Siwan

Chameli Devi, Widow of Late Bishwanath Dubey, resident of Village Bal Bangra, Police Station Daraunda, District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Nath Dubey

For the Opposite Party/s : Mr. SUNIL KUMAR PANDEY

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2     28-02-2018             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 Daraunda P.S. Case No. 158 of 2017 registered for the offence punishable under Section 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 3 litres of illicit liquor from an orchard stated to be that of the petitioner.

The learned counsel for the petitioner submits that in fact no recovery has been made from her conscious possession. It is submitted that the orchard is open place, hence plantation of the liquor cannot be ruled out. It is further submitted that the provisions of Section 100 Cr.P.C. has not been followed while



preparing the seizure list. The petitioner is said to be having a clean antecedent.

Considering the nature of accusation and 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 Additional Sessions Judge-II, Siwan in connection with Daraunda P.S. Case No. 158 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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