

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24633 of 2018

Arising Out of PS.Case No. -67 Year- 2018 Thana -FALKAHA District- KATIHAR

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Renu Devi, W/o- Shiv Narayan Chaudhary @ Late Shiv Narayan Chaudhary, R/o- Tikapatti, Chandpur, P.S.- Falka (Pothia), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 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 Falka (Pothia) P.S. Case No. 67 of 2018 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30D of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2.5 litres of illicit liquor from the house of the petitioner and the son of the petitioner was arrested.

The learned counsel for the petitioner submits that the petitioner is a lady and she does not know as to what her son was engaging in. Nonetheless, it is submitted that no recovery has



been made from the conscious possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, in the event of 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, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Katihar in connection with Falka (Pothia) P.S. Case No. 67 of 2018 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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