

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13582 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- RAHUI District- Nalanda

SABITA DEVI, Wife of Ranjeet Choudhary, Resident of Village - Baliya Bigha, P.S.- Rahui, Distt- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rahui Police Station Case No. 255 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

Considering the nature of allegation made in the First Information Report, which indicates recovery of country-made liquor (5 litre) from the house of the petitioner, a case under Section 30 (a) of the Act is made out.

In such view of the matter, there being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.



Learned Counsel for the petitioner has submitted, however, that similarly circumstanced co-accused, Pavitri Devi, has been granted anticipatory bail by this Court, by order, dated 05.11.2018, passed in Criminal Misc. No. 60986 of 2018.

However, considering the above submission and the quantity of country-made liquor seized, it is directed that if the petitioner, above named, surrenders before the Court below within four weeks from today and applies for regular bail, her application shall be considered and decided on the same day, keeping in mind the fact that similarly circumstanced co-accused has been granted anticipatory bail by this Court.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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