

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19901 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

BEBY DEVI @ BEBY KUNWAR Wife of Late Vinod Chaudhary Resident
of Village and P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bhagwanpur Hat P.S. Case No. 257 of 2018, disclosing offence punishable under Sections 272, 273 and 420 of the Indian Penal Code and Sections 30(a), 41(i) and 37(B) of Bihar Prohibition and Excise Act, 2016.

The police are said to have recovered four liters of country made liquor from the house of the petitioner. She has been made accused with the allegation that she sells country made liquor.

Learned counsel appearing on behalf of the petitioner has submitted that it is evident from the First Information Report that the petitioner was not selling liquor. He has also submitted that only on the basis of statement of some villagers



to this extent, she has been made an accused.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under Section 30(a) of the Act is made out in my opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If she does so, her application for regular bail shall be considered on the same day, considering the small quantity of foreign liquor seized.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

