

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39949 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- RAMGARHWA District- East Champaran

LALMATI DEVI, Wife of late Chhathu Mahto Resident of Village - Narirgir,
P.S.- Ramgarhwa, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-06-2019 Heard learned counsel for the parties.

The petitioner apprehends her arrest in connection with Ramgarhwa P.S.Case No. 51 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation, as per the FIR, is that the police raided the premises of the petitioner from which 07 litres illegal country made liquor was recovered.

Submission of learned counsel for the petitioner is that petitioner has falsely been implicated inasmuch as the house from where country made liquor was recovered does not belong to the petitioner and further due to land dispute with the Gotia, she has been implicated by the police at the behest of her Gotia.

Learned counsel for the State submits that recovery of



illegal liquor has been made by the police from the Almirah in the house of the petitioner and in view Full Bench judgment reported in Cr. Appeal (SJ) No. 431 of 2019, this Court has got no jurisdiction to entertain the anticipatory bail.

After having heard learned counsel for the petitioner and learned counsel for the State and from perusal of the materials available on record, it appears that allegation of recovery of illegal liquor is from the house of the petitioner and as such *prima facie* a case under Section 30(a) of the Excise Act is made out and also in view of judgment of Full Bench, this Court has got no jurisdiction to entertain the anticipatory bail and petitioner has also got criminal antecedent of similar nature as such I am not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, present application for anticipatory bail is rejected.

(Anil Kumar Sinha, J)

sujit/-

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

