

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39780 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

SABITA DEVI Wife of Rakesh Ray Resident of Village- Madhopur, Hajari,
P.S.- Sahabganj, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sahebganj P.S. Case No. 154 of 2019, disclosing offence under Sections 272 and 272 of the Indian Penal Code and Sections 30(a)(d)(g), 36, 38 and 41(1) of Bihar Prohibition and Excise Act, 2016.

In view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is wife of co-accused Rakesh Rai and it is alleged in the First Information Report that she had also fled



away from the place of occurrence on seeing the police, whereafter a recovery of 20 liters of country made liquor was made.

In view of the above, 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, on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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