

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43464 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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Lailun Devi, wife of Late Karu Ram Resident of Village - Murwariya, P.S.-
Korma, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Excise P.S. Case No.05 of 2019 for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the
prosecution report is that the Excise official, on information that
illicit liquor was being sold near the house of the petitioner,
raided place of occurrence and upon seeing the police party,
petitioner fled away. It has further been alleged that police party
recovered 10 litres of country-made liquor from the west of the
house of the petitioner and upon inquiry, the villagers disclosed
that the petitioner was indulged in business of selling of illicit



liquor.

Learned counsel for the petitioner submits that petitioner is innocent and having no criminal antecedent of similar nature. He further submits that no recovery of liquor has been made from the conscious possession of the petitioner or from the house or the premises of the petitioner and from perusal of the prosecution report, it transpire that it has been recovered from the west of the house of the petitioner, accordingly, no prima facie case is made out against the petitioner. He further submits that her name has been disclosed by the villagers with oblique motive.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that recovery of illicit liquor has not been recorded from the conscious possession of the petitioner and the house / premises of the petitioner, accordingly, on the basis of prosecution report, no prima facie case is made out against the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender



before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Sheikhpura, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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