

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42860 of 2019**

Arising Out of PS. Case No.-88 Year-2019 Thana- FALKA District- Katihar

NANKI DEVI W/o Jagdeo Mahaldar R/o village- Khaira, P.S.- Falka (Pothonya
O.P.), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

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

ORAL ORDER

2 11-07-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Falka (Pothonya) P.S. Case No. 88 of 2019, disclosing offences under Sections 30(a) & 37(b) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016').

In view of the bar under Section 76(2) of the Act of 2016 and the Full Bench decision rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

It appears from the FIR that from the courtyard of the petitioner, the police recovered 20 litre of country-made liquor.

The petitioner is a lady.



In such circumstance, it is directed that if the petitioner surrenders in the court below within four weeks from today and seeks regular bail, the court below shall consider her prayer for regular bail on its own merit, on the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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