

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43409 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- THAWE District- Gopalganj

MOST. DOMANI DEVI, Wife of Late Rampujan Gour @ Pujan Sah Resident
of Village-Bideshi Tola, P.S.-Thawe, District-Gopalganj Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Thawe Police Station Case No. 68 of 2019, disclosing offence under Sections 30(a), 37 (b) (c) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner is that the Police, upon information that some persons were consuming liquor in the hotel of the petitioner, raided the same and upon seeing the Police, the petitioner fled away. However, the persons allegedly consuming liquor in the hotel of the petitioner were arrested by the Police and the Police upon search of the hotel of the petitioner, recovered 0.980 litres of illicit liquor.

Learned Counsel for the petitioner submits that the petitioner is a lady, having no criminal antecedent and the persons, who were arrested, were consuming liquor sitting in the



hotel of the petitioner. As such, the petitioner has no role to play in the present case.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit liquor has been recovered from the premises of the petitioner and that too, not from the table on which other accused persons were consuming liquor. Accordingly, on perusal of the First Information Report, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision, in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion.

This anticipatory bail application is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner, Most. Domani Devi, surrenders before the Court below within two weeks from today and applies for regular bail, her application shall be considered and decided on the same day, without being prejudiced by the present order of dismissal.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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