

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43561 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- KODHOBARI District- Kishanganj

SONA TUDU Wife of Bhatto Hansda @ Bhato Marandi Resident of Village -
Kanchanbari, Fulbari Hat, P.S.- Kodhobari, Distt - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

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 Spl. Case No.319 of 2018 arising out of Kodhobari P.S. Case No. 39 of 2018, disclosing offence under Section 30(a) 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.

Allegedly, only five liters of country made liquor was recovered from the house of the petitioner. The petitioner was apparently not present when the seizure was made.

This application is accordingly dismissed as not



maintainable.

Considering the small quantity of liquor, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, if so advised, 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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