

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47766 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- TATARPUR District- Bhagalpur

RENU DEVI Wife of Munna Choudhary Resident of Mohalla- Sahebganj,
P.S.- Vishwavidyalaya, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mrs.Pushpa Sinha. I

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 The petitioner apprehends her arrest in connection with Tatarpur (Vishwavidyalaya) P.S.Case No. 139 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that the police raided the house of the petitioner and recovered a total quantity of 35.110 litres illicit foreign liquor from the box inside the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that husband of the petitioner is handicapped and she is residing with her husband in her Maika and the house in question has been given on rent to one Raj Kumar Chaudhary.

After having heard learned counsel for the parties and



taking into consideration the fact that there is mere statement of the petitioner and no document, regarding putting the house on rent, has been brought on record and from perusal of FIR and the seizure list, *prima facie* a case under the Act is made out against the petitioner. Therefore, in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

However, in case, petitioner surrenders before the court below within a period of 15 days and files application for regular bail bringing on record all justification, as mentioned hereinabove, before the court below, the same shall be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

sujit/-

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