

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51760 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- KAUWAKOL District- Nawada

1. GEETA DEVI Wife of Late Girani Chaudhary Resident of Village/Mohalla-Sarauni, P.S.-Kauwakole, District-Nawada.
2. Mishri Chaudhary Son of Lakhan Chaudhary Resident of Village/Mohalla-Sarauni, P.S.-Kauwakole, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Kauwakole P.S. Case No. 131 of 2019, disclosing offences under Sections 30(a) and 37(c) 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.

However, on perusal of the FIR, I notice that the police are said to have recovered country-made liquor from the



possessions/places of persons named in the FIR. So far as petitioner no.1 is concerned, it is alleged that from behind her house, the police had recovered 10 litre of country-made liquor.

In the above background and in view of the fact that the petitioners have no criminal antecedent, it is directed that if the petitioners surrender in the court below within four weeks from today and seek regular bail, the court below shall consider their prayer for regular bail on its own merit, the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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