

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65111 of 2019**

Arising Out of PS. Case No.-65 Year-2019 Thana- GADHPURA District- Begusarai

Manju Devi, female, aged about 50 years, Wife of Late Raj Kumar Mahto,
Resident of Village-Gardhpura, P.S.-Gardhpura, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends her arrest in connection
with Gardhpura P.S. Case No. 65 of 2019 registered under
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that a total
quantity of 375 ml and two bottle containing 180 ml each of
illicit liquor has been recovered from the tea shop of the
petitioner.

Learned counsel appearing for the petitioner submits
that petitioner has falsely been implicated in this case inasmuch
as the illicit liquor has been recovered from the tea shop of the
petitioner which is not having any closet and it is an open tea
shop. As such the submission is that the illicit liquor cannot be



said to have recovered from the conscious possession of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the premises belonging to the petitioner which is a tea shop, in view of Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below within a period of 15 days from today and seeks regular bail, learned Court below may consider her application for regular bail on the same day without being prejudiced by the fact that the application for anticipatory bail has been dismissed by this Court.

(Anil Kumar Sinha, J)

Anjula/-

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