

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56361 of 2018**

Arising Out of PS. Case No.-287 Year-2017 Thana- UCHKAGAON District- Gopalganj

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1. Kunti Devi @ Jhalari @ Jhagri W/o Sheojee Singh,
  2. Surendra Singh @ Theha @ Theha Singh S/o Sheojee Singh,  
Both R/o Vill.- Jamshad, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Smt. Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      21-01-2019                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Uchkagaon P.S. Case No. 287/2017 registered under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016 pending in the court of learned 2<sup>nd</sup> Additional Sessions Judge – cum – Special Judge, Gopalganj.

Learned counsel for the petitioners submits that on perusal of the first information report and the seizure list, it will appear that the illicit liquor has been recovered from a place outside the house of the petitioners. Learned counsel submits that in such circumstance where no recovery is there from the house of the petitioners, the provision of the Bihar Prohibition & Excise Act, 2016 could not have been attracted.



Learned A.P.P. is present and accepts the factual position with regard to the allegations that the recovery is from outside the house of the petitioners and not from inside the house.

In the aforesaid view of the matter, this court is of the considered opinion that the petitioners should surrender in the court below and file an application for regular bail which will be considered by the court below on the same day, keeping in mind that there is no recovery of illicit liquor from the house of the petitioners and if such is the position, the court below shall dispose of the matter on the same day in accordance with law.

This application is disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

*Rajeev/-*

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