

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82889 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- KUTUMBA District- Aurangabad

Kunti Devi Wife of Naresh Mahto Resident of Village - Dadhpa, P.S.-
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in connection with Kutumba P.S. Case No.141 of 2019, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From a commercial vehicle standing in the name of the petitioner liquor was recovered. Two persons were apprehended along with the liquor and one fled away whose name was Gautam Kumar.

Submission is that petitioner has no criminal antecedent nor she has knowledge as to what driver was carrying on the vehicle. Learned counsel further submits that there is non-compliance of mandate of Section 100 Cr.P.C. in



the matter of search and seizure of the vehicle.

Considering the reverse burden of proof against the petitioner as contained in Section 32 of the Bihar Prohibition and Excise Act, 2016, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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