

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8971 of 2020

Arising Out of PS. Case No.-506 Year-2019 Thana- ATRI District- Gaya

GAURI DEVI Wife of Shrawan Chaudhary Resident of Village- Gehuni, P.S.-
Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Atri PS case no. 506 of 2019 registered for
the offences punishable under Sections 272, 273 of Indian Penal
Code and 30(A) & (D) of Bihar Prohibition and Excise Act,
2016.

The allegation is regarding recovery of 20 liters of
illicit countrymade liquor and other articles from the roof of the
house of the petitioner and her husband.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, is having a clean
antecedent and has been falsely implicated in the present case. It
is further submitted that for the same offence, the husband of the



petitioner has already been arrested and thereafter, has also been released on bail, as is apparent from the order dated 17.01.2020, passed by a co-ordinate Bench of this Court in Cr. Misc. no. 86798 of 2019. It is further submitted that since the husband of the petitioner has already been punished and the petitioner was not in the house, at the time the illicit liquor was recovered, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted against the petitioner.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioner as also taking in account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise, Gaya in connection with Atri PS
case no. 506 of 2019 subject to the conditions as laid down
under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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