

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10932 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- TETERHAT District- Lakhisarai

Mosemat Sonawati Devi W/o Late Jato Vind Resident of Village - Gunsagar,
P.S.- Tetarhat, Dist.- Lakhisarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sayed Imran Ghani, Adv.

For the Opposite Party : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends her arrest in connection with Tetarhat P.S. Case No. 143 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the recovery of 33 litres of illicit liquor from the veranda of the hut of the petitioner which was covered by hay.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the Seizure List in question has not been prepared in compliance of Section 100 of Cr.P.C., hence stands vitiated in the eyes of law, thus the provisions of Bihar



Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, hence, I deem it fit and proper to direct for release of the petitioner on anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/-(rupees ten thousand) with two sureties of the like amount to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Lakhisari in connection with Tetarhat P.S. Case No. 143 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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