

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13080 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- TEKARI District- Gaya

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Rumania Devi @ Ramunia Devi, aged about 35, W/o Sudama Chaudhary,
R/o Mokarimchak, P.S-Tekari, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Manish Kumar No. 2, learned counsel for the petitioner and Mr. Bishweshwar Ram, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Tekari PS Case No. 23 of 2020 dated 22.01.2020, instituted under Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The specific allegation against the petitioner is that from her house in 11 plastic containers of 15 litres capacity, 14 litres each of *mahua* mixture, totalling 154 litres, was recovered.



5. Learned counsel for the petitioner submitted that she is a lady and even if it is assumed that it was recovered from the house of the petitioner, the husband being alive, he is responsible and the petitioner neither had any knowledge nor is responsible for such recovery and further, that she has no criminal antecedent.

6. Learned APP submitted that the application is not maintainable in view of bar of Section 76(2) of the Act. It was submitted that there being recovery from the house of the petitioner, the allegation being direct against the petitioner under the Act, the application seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 would not be maintainable.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the objection of learned APP.

8. Accordingly, the application stands dismissed as not maintainable.

(Ahsanuddin Amanullah, J)

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