

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13378 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- BARACHATTI District- Gaya

- =====
1. Gudiya Devi, aged about 41 years (Female), wife of Upendra Chaudhary
 2. Mina Devi, aged about 43 years (Female), wife of Late Doman Chaudhary
 3. Ramti Devi, aged about 43 years (Female), wife of Mahendra Chaudhary
- All resident of Village-Sarwa Bazar, P.S.-Baachatti, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the State : Ms. Gulnar Begum, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-10-2020

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

2. Heard Mr. Sudhir Kumar Sinha, learned counsel for the petitioners and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Barachatti PS Case No. 69 of 2020 dated 06.02.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioners is that from



their house, 10 litres, 12 litres and 8 litres, respectively, of country-made liquor was recovered.

5. Learned counsel for the petitioners submitted that they are ladies and the recovery was made when the petitioners were not present in their house. It was further submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the recovery being made from the house of the petitioners, the law does not permit an application to be maintainable in view of bar of Section 76(2) of the Act for grant of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 and, thus, the application itself is not 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 with regard to maintainability of the application.

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

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

