

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20193 of 2020**

Arising Out of PS. Case No.-392 Year-2019 Thana- KAUWAKOL District- Nawada

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Ruby Devi @ Gita Devi D/o Karmani Rai Resident of Village - Bijho, P.S.-  
Kawakole, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Devendra Prasad Singh  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      08-07-2020              The matter has been taken up through virtual  
  
Court proceeding.

Since the physical court proceeding is non-  
  
functional due to the present pandemic COVID-19, the  
  
matter is listed with defects.

Learned counsel for the petitioners undertakes  
  
to remove the defects within three weeks of the  
  
resumption of the physical Court proceedings.

In case of non-removal of the defects within  
  
undertaken period, the office shall place the matter



before the bench.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as the Act).

The prosecution case as per the written report of Akhilesh Singh, S.I., submitted to the S.H.O., Kawakole Police Station is to the effect that on 20.12.2019 at 10:00 P.M. during night patrolling, the informant came to know that petitioner Ruby Devi is selling liquor. Consequently, raid was laid and from the house of the petitioner, five litres of liquor was recovered, leading to registration of the present case.

Learned counsel for the petitioner submits that petitioner is a married lady and she was at her matrimonial house at the relevant time whereas the



recovery has been made from the parental house of the petitioner. Hence, the recovery cannot be treated to be made from the possession of the petitioner.

Learned A.P.P. submits that there is specific accusation that raid was laid on the information that petitioner is selling the liquor in her house and recovery of liquor has been made and in such circumstance, the anticipatory bail is not maintainable.

Considering the nature of accusation and the fact that recovery has been made from the house of the petitioner, this Court is not inclined to grant anticipatory bail in view of the ratio laid down by the Full Bench of this Court in the case of Ram Vinay Yadav Vs. State of Bihar, reported in 2019(2) PLJR 1089. However, keeping in view the fact that petitioner is a lady, nature of recovery and the fact that petitioner is not having any criminal antecedent, learned Court below is expected to dispose of the bail application of the petitioner, preferably on the same day, if she surrenders within a



period of ten weeks from today in connection with  
Kawakole P.S. Case No. 392 of 2019 pending in the  
Court of learned A.D.J.-III-cum-Special Judge, Nawada.

Accordingly the present application stands  
disposed of.

**(Dinesh Kumar Singh, J)**

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