

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17353 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- FALKA District- Katihar

Rekha Devi, D/o Motilal Rishi, Female, aged about 38 years, Resident of
Village - Gaya Rahika, Musahri, Colony, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-06-2020 Heard Mr. Umesh Prasad, learned counsel for the

petitioner and Dr. Mritunjay Kumar Gautam, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

The petitioner apprehends her arrest in connection
with Falka P.S. Case No. 19 of 2020 corresponding to G.R. No.
372 of 2020 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that Police
raided the house of the petitioner and recovered a total quantity
of 03 liters of illicit country made liquor.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case inasmuch as
there was no mechanism before the Police to ascertain that the
petitioner is the owner of the house in question. Learned counsel
further submits that petitioner has got no criminal antecedent.

Having regard to the submission made by the parties



and taking into consideration the fact that from perusal of the First Information Report and seizure list it is evident that illicit liquor has been recovered from the house of the petitioner, in view of the Full Bench decision of this Court passed in Cr. Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar), I am not inclined to exercise my discretion for grant of anticipatory bail and the same is rejected. However, if the petitioner surrenders within a period of six weeks from today and seeks regular bail, the same will be considered by the learned court below on the same date without being prejudiced to the fact that the present application has been rejected by this court and also taking into consideration the fact that small quantity of liquor has been recovered and the petitioner is a lady.

This application is accordingly disposed of.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

