

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87436 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- KAUWAKOL District- Nawada

BARTI DEVI W/o Late Bangali Manjhi Resident of Village - Bhoram Bag,
Dewangarh, P.S.- Kauakol, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 10-06-2020 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Kauakol P.S. Case No.247 of 2019, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the First Information Report that the police apprehended Tuni Devi with five liters of country made liquor. The said Tuni Devi disclosed petitioner's name as one who is also involved illegal trade of country made liquor. On her disclosure, allegedly police recovered 15 liters of mahua wine from near the house of the petitioner.

Learned counsel for the petitioner has submitted that apparently the First Information Report does not disclose



commission of specific offence against the petitioner. The disclosure made by co-accused in the FIR is vague. He has further submitted that the wine was apparently recovered not from the petitioner's house but from near her house. He has accordingly submitted that bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not apply for grant of anticipatory bail.

On perusal of the First Information Report, I am *prima facie*, satisfied with the submission made on behalf of the petitioner for the purpose of consideration of grant of anticipatory bail. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned ^{2nd} Additional District and Sessions Judge-cum-Special Judge, Nawada at Bhabua in Kauakol P.S. Case No. 247 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the Police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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