

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81229 of 2019

Arising Out of PS. Case No.-47 Year-2018 Thana- CHEWARA District- Sheikhpura

RESHMA DEVI, Wife of Botli Kewat @ Shankar Kewat, Resident of
Village- Beldaria, Chewara, P.S.- Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and 188 of the Indian Penal Code and Sections 30(a), 30(d) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

It is alleged that from the house of the petitioner, 15 litres of fermented mahua liquor were recovered.

It is submitted by learned counsel for the petitioner that the said recovery has been made from the joint family house, hence it cannot be treated from the conscious physical possession of the petitioner and the husband of the petitioner is also accused in the present case. It is further submitted that the petitioner is a lady having clean antecedent. A statement to that



effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that the recovery has been made from the house of the petitioner.

Considering the fact that the said recovery has been made from the house of the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail.

However, keeping in view of the nature of recovery, the petitioner being the lady, it is a case for consideration of prayer for regular bail by the learned Court below.

Let the learned Court below consider the prayer for regular bail of the petitioner and preferably dispose of the same on the same day, if the petitioner surrenders within a period of six weeks in connection with Excise Case No. 258 of 2018, arising out of Chewara P.S. Case No. 47 of 2018, pending before the learned 2nd Addl. District and Sessions Judge, Sheikhpura.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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