

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85987 of 2019

Arising Out of PS. Case No.-851 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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1. ASHOK RAM S/o Late Sukhdeo Ram @ Late Sukadev Ram Resident of Village- Ambedkar Nagar, Ward No.31, Baswariya, P.S.- Bettiah Town, Dist- West Champaran.
 2. Renu Devi W/o Ashok Ram Resident of Village- Ambedkar Nagar, Ward No.31, Baswariya, P.S.- Bettiah Town, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bettiah Town PS case no. 851 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 40 liters of illicit liquor from the house of the petitioners.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a bare perusal of the seizure list would show that the illicit liquor has been recovered from the petitioner no. 1 and as far as petitioner no. 2 is



concerned, no illicit liquor has been recovered.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioners, this Court finds that since recovery of illicit liquor has been made from the petitioner no. 1, his anticipatory bail is not maintainable on account of the bar under Section 76(2) of Bihar Prohibition and Excise Act, 2016, hence, the present petition stands dismissed *qua* the petitioner no. 1, however the learned court below is directed to consider the regular bail petition of the petitioner no. 1, in case the petitioner no. 1 surrenders within a period of four weeks from today and prays for regular bail, and pass appropriate orders on the very same day, considering the fact that trivial quantity of illicit liquor has been recovered and moreover the petitioner no. 1 is suffering from heart disease.

This Court further finds that since no recovery has been alleged to have been made from the petitioner no. 2, as far as illicit liquor is concerned, which is clear from a bare perusal of seizure list, *prima facie* no case is made out under the provisions of Bihar Prohibition and Excise Act, 2016, as far as petitioner no. 2 is concerned. Hence this Court deems it fit and appropriate to admit the petitioner no.2 to the privilege of anticipatory bail. Accordingly, the petitioner no. 2, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Bettiah Town PS case no. 851 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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