

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31561 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- PATRAKARNAGAR District- Patna

Soniya Devi, W/o- Kali, Resident of - Malahi Pakari, Jhoparpatti, P.S.-
Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kameshwar Singh- Advocate
		Mr. Dilip Kumar- Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif- A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 24-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of anticipatory bail in connection with Special Case No.2319 of 2020 arising out of Patrakar Nagar P. S. Case No.177 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., 19 litres of country liquor is said to have been recovered from the hut of the petitioner.

It is submitted on behalf of the petitioner that no recovery, as alleged, has taken place from the person of possession of the petitioner. The said hut is not under exclusive



control of the petitioner. It is further submitted by learned counsel for the petitioner that a supplementary affidavit has been filed explaining the antecedents of the petitioner. The petitioner is accused in three cases mentioned therein which have arisen after filing of the anticipatory bail application in the present case.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties, it transpires that to verify the statement made in paragraph no. 3 of the petition, wherein it has been submitted that the petitioner has no criminal antecedent, a report was called for vide order dated 22.01.2021. As per report received in the instant case, the petitioner is accused in three cases under the Bihar Prohibition and Excise Act. Contrary to the statements made on behalf of the petitioner, one of the case was lodged more than six months prior to the filing of the instant application.

Having considered the submissions made on behalf of the parties and in view of the above recovery, this Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

In case, the petitioner surrenders within six weeks



and prays for regular bail, the learned Court below shall consider the application for bail expeditiously.

(Partha Sarthy, J)

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