

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32027 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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Sukri Devi, aged about 40 years, Female, Wife of Kedar Chaudhary @ Kedar Choudhary, resident of Village- Hussainabad, P.S.- Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pankaj Kumar, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Excise Case No.201 of 2020 dated 24.07.2020 instituted under Sections 30(a), 30(c) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

4. The allegation against the petitioner and two others is that when the police raided the western bank of the pond in village Hussainabad, on information that accused were manufacturing and selling country made liquor, the persons ran



away, but from the site, 7 litres country made liquor, one machine for making country made liquor, 100 kgs. fermented *Mahua*, one 14.2 kg gas cylinder and gas stove were recovered.

5. Learned counsel for the petitioner submitted that she was not caught at the spot and on suspicion has been made accused. It was submitted that there is no recovery from her possession or from her house and further, that she is a lady having no criminal antecedent.

6. Learned APP submitted that in the complaint itself it is written the petitioner was identified as the incident occurred in broad day light, but she managed to escape as a crowd had gathered to witness the police raid. Thus, it was submitted that the present case shall not be maintainable in view of bar under Section 76(2) of the Act.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, on the prayer made by learned counsel for the petitioner, the Court would observe that if the petitioner appears before the Court below and prays for bail within four weeks from today, the same shall be considered, on its own



merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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