

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12868 of 2022

Arising Out of PS. Case No.-652 Year-2021 Thana- KANKARBAG District- Patna

SHEELA @ SHEELA DEVI W/o Upendra Rai Resident of Village -
Navratanpur Ganw @ Navratanpur Postal park, P.s.-- Kankarbagh, Distt.-
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends her arrest in connection with
Kankarbagh P.S. Case No. 652 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Amendment Excise Act.

Learned counsel for the petitioner has submitted that
petitioner is a lady of 70 years old and she has no criminal
antecedent. The alleged liquor was not recovered from her possession
but 2.6 litres of liquor was recovered from the garbage.

Be that as it may, section 76 (2) of the Bihar Prohibition
and Excise Act, 2016 makes an explicit embargo on entertaining the



application under Section 438 of the Cr.P.C., as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a lady of clean antecedent and nothing was recovered from her conscious possession.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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