

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25916 of 2022

Arising Out of PS. Case No.-682 Year-2021 Thana- AKBARPUR District- Nawada

SHILA DEVI @ MINA DEVI W/o Rakesh Pandit Resident of Village- Parto
Karhari, Ward No.2, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends her arrest in connection with Akbarpur P.S. Case No.682 of 2021, registered for the offence punishable under Sections 30/30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly 5 litres of country made liquor is said to have been recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence



as alleged in the FIR. She has not been apprehended on the spot nor any incriminating article has been recovered from her conscious physical possession. She has been made accused in this case on the basis that the said hut from where recovery is made belongs to her but the real fact is that she was outside the village at that time and had no knowledge of illegal activity being carried out in the hut. She has no concern with the recovery of the illicit liquor or any trade of liquor. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the since the recovery has been made from the house of the petitioner, I am not inclined to enlarge her on bail. The prayer for grant of anticipatory bail on her behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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