

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38831 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- BAHERI District- Darbhanga

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REENA DEVI W/O ARUN KUMAR MANDAL R/O LAGUPUR, P.S-
BAHERI, DISTRICT-DARBHANGA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prahalad Kumar Bhagat

For the Opposite Party/s : Mr.J.N. Thakur, APP

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

ORAL ORDER

2 09-02-2022 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
learned APP for the State through video conferencing.

The petitioner apprehends her arrest in connection
with Baheri P.S. Case No. 230 of 2020, registered for the
offences punishable under Sections 30(a)/41 of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted that
the petitioner is a lady who is bona fide owner of the vehicle
No. BR07G-5196 from which alleged liquor was recovered. She
has no concern with that liquor. Her name has been arrayed as



accused since she is bona fide owner of the vehicle.

The provisions of 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.

but at the same time, it is observed that if the petitioner surrenders before the court below and files regular bail, the same shall be disposed of on the day of filing itself and the learned lower court shall take notice of the fact that the petitioner is a lady and she is only bona fide purchaser of the vehicle from which the illicit liquor was recovered.

With these observations, this anticipatory bail 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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