

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5806 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- BANDHUWA KURAWA District- Banka

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MALTI DEVI W/O LATE GHULATAN KHAIRA R/v- Kurthiyatikar, P.S.-
Bandhuakurawa, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 15 liters of mahua wine is said to have recovered from hut of the house of the petitioner. He submits that the said wine was recovered outside the house of the petitioner and the petitioner has no concern with the seized articles. He submits that there is no recovery made from the conscious possession of the petitioner. He further submits



that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the said recovery is made from the conscious possession of the petitioner. Hence, she does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that the said recovery is made from the hut of the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Bandhuakurawa P.S. Case No. 100 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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