

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38647 of 2023**

Arising Out of PS. Case No.-147 Year-2023 Thana- CHANDAUTI District- Gaya

MANJU DEVI Wife of Vijay Chaudhary Resident of Village- Gyani Bigha,  
Kujapi, Police Station- Chandauti District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      28-07-2023      Heard the learned counsel for the petitioner and the learned  
A.P.P. for the State.

2.      This is an application for grant of anticipatory bail in connection with Chandauti P.S. Case No. 147 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3.      The allegation is regarding recovery of 20 liters of illicit Mahua liquor from the back side of the house of the petitioner.

4.      The learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but she is on bail in the said case. The learned counsel for the petitioner has further submitted that neither the illicit liquor has



been recovered from the conscious possession of the petitioner nor from inside the house of the petitioner, hence, the petitioner is not having any complicity in the matter.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from inside the house of the petitioner, this Court finds that prima facie, no case is made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to “the Act, 2016”), hence, the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Chandauti P.S.Case No. 147 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Ajay/-

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