

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 34343 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MEHUSH District- Sheikhpura

1. PREMLATA DEVI Wife of Dharmendra Dhadi Resident of village-Dhadi Tola, Mehush, Police Station-Mehush and District-Sheikhpura
2. SHAILA DEVI @ SHAIL DEVI Wife of Lakhan Dhadi Resident of village-Dhadi Tola, Mehush, Police Station-Mehush and District-Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Ms Sharda Kumari, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners are apprehending their arrest in connection with Mehush Police Station (for brevity, **PS**) Case No 8 of 2023 dated 06.03.2023 registered for the offences punishable under Sections 30 (a) and 30 (d) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 15 litres of country made **Mahua** liquor was recovered from the house of the co-accused.

Learned counsel for the petitioners has submitted that the petitioners are ladies and they have falsely been implicated



in this case. They had no knowledge of the said liquor and they are pardanashin ladies. Learned counsel further submitted that the petitioners bear clean antecedent, as stated at paragraph 3 of the bail petition. No incriminating article has been recovered from the possession of the petitioners, hence no case is made out. Learned counsel has relied on the judgment of Full Bench of of this Court in the case of ***Ram Vinay Yadav -Versus- State of Bihar*** reported in ***2019 (2) PLJR 1089***. The Full Bench in the case of ***Ram Vinay Yadav (supra)*** has held that an application for anticipatory bail in a case arising out of the Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the First Information Report, no offence under the said provision is made out.

Learned APP appearing for the State of Bihar has vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the bar of Section 76 (2) of the Act applies in this case.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners who are ladies, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on each of them furnishing



bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge, Sheikhpura in Mehush PS Case No 8 of 2023, subject to all conditions as laid down under Section 438 (2) of Criminal Procedure Code.

(Chandra Prakash Singh, J)

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