

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38446 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- MAJHAULIA District- West Champaran

PRAMILA DEVI Wife of Sri Naresh Paswan Resident of village - Ramnagar Bankat, Mushahar Toli, ward no. 08, P.S. - Majhaulia, Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Majhaulia P.S. Case No.282 of 2023, registered for offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.
3. The allegation is regarding recovery of two litres of illicit liquor from a hut, alleged to be belonging to the petitioner.
4. The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and



she is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to paragraph no. 7 of the present petition that the hut does not belong to the petitioner, hence, it is prayed that the petitioner be granted the privilege of anticipatory bail.

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 parties and taking into account the materials available on record as also considering the categorical averment of the petitioner that the hut in question does not belong to the petitioner, *prima facie* this Court finds that no case is made out for the offences punishable under the provisions of Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of the Bihar Prohibition and Excise 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 above named 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 Judge-Excise, West Champaran at Bettiah in connection with Majhaulia P.S. Case No.282 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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