

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48511 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- LADANIA District- Madhubani

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PARVATI DEVI @ PARO DEVI W/O RANJEET PASWAN R/O VILLAGE-
SARSARA (PATHRAHI) PS. LADANIYA, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-08-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Ladaniya P.S. Case No.381 of 2022, registered for offences under Sections 272, 273 and 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 32 litres of illicit country-made Mahua liquor from the bushes, situated near a pond and the police came to know from the villagers that the seized liquor, belongs to the accused persons, including



the petitioner herein.

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 that neither the place from where the illicit liquor has been recovered belongs to the petitioner nor any illicit liquor has been recovered from the conscious possession of the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016, are not attracted in the present case. Lastly, it is submitted that similarly situated co-accused person has already been granted bail, by a co-ordinate Bench of this Court vide order dated 04.08.2023, passed in Cr.Misc. No.46105 of 2023.

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

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 fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or her house, prima facie this Court finds that no case is made out for the offences punishable under the provisions of the 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, apart from taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Madhubani in connection with Ladaniya P.S. Case No.381 of 2022, 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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