

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55217 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- GURUA District- Gaya

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MUNGIA DEVI @ KAMLA DEVI W/O- SURESH CHAUDHARY R/O-
VILLAGE- RAJAN ETAHRI, P.S.- GURUA, DIST- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Arvind Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending her arrest in connection with Gurua P.S. Case No.289 of 2023 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information regarding paddling of illicit liquor, conducted raid and allegedly in course of search 10 litres of country made liquor was recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a hapless lady and the alleged recovery has been made from the joint house where



several family members have been residing and surprisingly no male member has been made accused in this case. He next submits that the seizure list witnesses are the residents of other village and even the copy of the seizure list has not been handed over to the family members of the petitioner, which also raises serious doubt over the prosecution case. He lastly submits that the petitioner is a woman of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the house of the petitioner and, as such, the anticipatory bail is not maintainable in view of Section 76(2) of the Bihar Prohibition and Excise Act.

6. So far the maintainability of the anticipatory bail application is concerned, the conundrum has already been dispelled by the Full Bench of this Court in the case of **Ram Vinay Yadav Vs. State of Bihar**, reported in **2019 (2) PLJR 1089**.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint family house, where several persons reside and only the petitioner has been made accused, who is a lady, apart from the other infirmities in the



seizure list, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Excl. Spl. Excise Judge, Court No.2, Gaya in connection with Gurua P.S. Case No.289 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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