

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72592 of 2023

Arising Out of PS. Case No.-381 Year-2023 Thana- BHORE District- Gopalganj

NIRMALA DEVI W/O LATE TENI PASWAN R/O VILLAGE- HUSEPUR
PURANU BAZAAR TOLA, P.S- BHORE, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-11-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. The petitioner apprehends her arrest in connection with Bhore P.S. Case No. 381/ 2023 dated 04.08.2023 registered for the offence(s) punishable under Section(s) 30(a) and 41(i) of the Bihar Prohibition & Excise Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is a lady and as per FIR, the alleged seized liquor is stated to have been recovered from the gatepost of the house of the petitioner but the same has not been recovered from conscious possession of the petitioner and no independent person has supported the allegation made against the petitioner who has been dragged in the recovery of alleged liquor merely on the basis of suspicion.



4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both sides and perused the FIR and seizure list concerned to the seized liquor. The petitioner is named in the FIR and as per allegation, she is stated to be indulged in selling of illicit liquor and from the gatepost of the house of the petitioner several bottles containing country made liquor were recovered and earlier the petitioner has also been made accused in similar nature of the offence as per statement made in paragraph 3 of the petition, and all these facts are sufficient to prima facie attract the alleged offences of Excise Act against the petitioner and the Section 76 of the Excise Act completely bars the privilege of anticipatory bail. Accordingly, I find the petitioner's prayer to be not fit for acceptance as such her prayer for anticipatory bail stands rejected.

(Shailendra Singh, J)

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