

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74534 of 2022

Arising Out of PS. Case No.-284 Year-2022 Thana- SIKTI District- Araria

Neelam Devi Wife Of Munna Kumar Sharma R/O Village- Biri Benga, Ward
No.06, P.S.- Sikty (BARDAHA), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner is apprehending her arrest in connection
with Sikty (Bardaha) P. S. Case No. 284 of 2022 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, on a secret information
that one Munna Kumar Sharma and his wife (the petitioner)
were engaged in trade of illicit liquor, the police raided the place



of occurrence and apprehended Munna Kumar Sharma, while the petitioner managed to flee away by showing her forged identity. On search, total 10 litres country made *chulai* liquor was recovered.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. On being wife of the co-accused, namely, Munna Kumar Sharma, her name has been dragged in this case on mere suspicion. The petitioner is a lady. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioner. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar 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 Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

Learned APP for the State has vehemently opposed



the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Araria in connection with Sikty (Bardaha) P. S. Case No. 284 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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