

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10857 of 2024

Arising Out of PS. Case No.-624 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Sandhya Devi @ Shanti Devi Wife Of Raja Ram Das Resident Of Village -
Khathopur, Das Tola, Ward No.44, P.S. (Mufassil) Lakho, District - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with A.B.A. No. 2732 of 2023 arising out of Muffasil P.S. Case No. 624 of 2023 dated 25.10.2023 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 11 litres of illicit country made liquor was recovered from the bush behind the Katara (bazar) of one Mithilesh Das.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is a lady and she has one criminal antecedent as stated in para 3 of the bail petition. The name of



the petitioner has transpired in this case merely on suspicion. It is further submitted that the petitioner has no concern with the alleged recovery rather the recovery has been made behind the Katara of Mithlesh Das which is an open area and accessible to anyone. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out. 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 reported in 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.

5. Learned A.P.P. 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.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with A.B.A. No. 2732 of 2023 arising out of Muffasil P.S. Case No. 624 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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