

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35520 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- BABUBARHI District- Madhubani

Kari Devi Wife of Jitan Mukhiya @ Nepali R/O Vill.- Bhatchaura, P.S.-
Babubarhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending her arrest in connection with Babubarhi P.S. Case No. 52 of 2024 registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022(Amendment).

03. As per prosecution case, recovery of 5 litres of country made liquor was made from the courtyard of the house of the petitioner who is stated to have fled away from the spot when the raid was being conducted.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged as taken place and nothing has been

recovered from the conscious possession of the petitioner. The petitioner is a lady who lives in a joint family house and she has no knowledge about the liquor recovered from the courtyard of her house. Learned counsel further submits that Section 100 of the Code of Criminal Procedure has not been followed when preparing the seizure list. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that recovery has been made from the house of the petitioner when the house of the petitioner was raided on information that the petitioner has been doing trade of illicit liquor.

06. Having considered the fact that recovery has been shown from courtyard of the house of the petitioner, I do not think it is a fit case for grant of anticipatory bail. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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