

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57912 of 2024

Arising Out of PS. Case No.-300 Year-2024 Thana- RANIGANJ District- Araria

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Arun Devi, wife of Mahajali Choudhary @ Dayanand Choudhary, R/o
village- Raniganj Jamun Ghat, Ward No. - 13 Barbanna, P.S -Raniganj,
District – Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-09-2024 1. Heard Mr. Mukesh Kumar Rana, learned counsel

for the petitioner and Mr. Binod Kumar No. 3, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Raniganj P.S. Case No. 300 of 2024 dated 28.06.2024
registered for the offences punishable under Sections 30(a) and
37(c) of the Bihar Prohibition & Excise Act.

3. Learned counsel appearing for the petitioner
submits that the petitioner is a poor lady, admittedly she was not
apprehended at the time of recovery which is said to have been
made from her shop and the seizure list of the seized liquor has
not been prepared in accordance with law and the instant matter
relates to the recovery of only 10 litres of country made illicit
liquor.

4. Learned Additional PP appearing for the State has



opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

5. Heard both the sides and perused the FIR and the seizure list. Though, the petitioner is a lady but she has remained involved in similar type of an other offence regarding which Raniganj P.S. Case No. 198 of 2022 was lodged and as per prosecution, the alleged liquor is said to have been recovered from the petitioner's shop and in this regard, the seizure list is relevant and the matter is under investigation and the relief of anticipatory bail is barred by the provisions of 76(2) of the Bihar Prohibition & Excise Act, in my opinion, it is not a fit case for anticipatory bail to the petitioner. Accordingly, the instant prayer of the petitioner for anticipatory bail is hereby rejected.

6. As the petitioner is a lady so she is given a liberty to surrender before the trial court, if she avails the liberty and surrenders within three weeks from today then the trial court shall decide her regular bail prayer on the same day without being prejudiced with the rejection of the present matter.

(Shailendra Singh, J)

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