

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67 of 2024

Arising Out of PS. Case No.-468 Year-2023 Thana- ALOULI District- Khagaria

Arti Devi W/o Bibhishan Paswan R/o vill - Sambha, Nagar Toli, P.s. -
Bahadurpur (Allouli), Distt. - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Allouli PS Case No. 468 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act 2018.

3. As per the First Information Report, a total quantity of 5 liters of illicit country made liquor has been recovered from house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case by the police with oblique motive.

5. I have heard learned counsel for the parties. From perusal of the seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner and as such prima



facie offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail application in such cases is not maintainable. Accordingly, in view of the law laid down by Full Bench in CR. APP. (SJ) No. 431 / 2019, I am not inclined to grant anticipatory bail to the petitioner.

6. The prayer for grant of anticipatory bail is rejected.

7. However, taking into consideration the fact that petitioner is a lady having no criminal antecedent and small quantity of liquor has allegedly been recovered, the petitioner is given liberty to surrender before the Exclusive Special Excise Judge-1st , Khagaria, seeking regular bail within a period of four weeks from today. If the petitioner approaches the learned trial Court within a period of four weeks from today, the learned trial Court may consider the bail application on the same day, in the light of the fact that small quantity of liquor has been recovered and petitioner is a lady having no criminal antecedent.

(Anil Kumar Sinha, J)

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