

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11343 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- BATIYA District- Jamui

Nilam Devi @ Jira Devi W/O - Late Muso Turi @ Late Prameshwar Turi
Resident of Village- Lalpur, P.S.- Batiya, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad
For the Opposite Party/s : Mr. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-03-2025
1.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2.

This application, for grant of anticipatory bail, arises out of Batiya Police Station Case No. 22 of 2024, dated 06.05.2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.
3.

The prosecution case, as per the First Information Report, is that the police, upon secret information that the petitioner is selling illicit liquor from her house, reached at the place of occurrence. On seeing the police party one person succeeded in fleeing away into the darkness and on enquiry the Mahal Chowkidar disclosed the name of the petitioner. Upon search, the police recovered 15 liters of country made illicit liquor from the house of the



petitioner.

4. Learned counsel for the petitioner submits that the petitioner is a 75 years old lady and has falsely been implicated in the present case on the basis of secret information. The name of the petitioner transpired on the basis of disclosure of Mahal Chowkidar. He next submits that the petitioner was not present at the place of occurrence and neither illicit liquor nor any incriminating articles has been recovered from conscious possession of the petitioner. The petitioner has got no criminal antecedent.
5. After having heard learned Counsel for the parties and taking into consideration the fact that the police has recovered 15 liters of illicit country made liquor and from the seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner 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 in such cases is not maintainable. Accordingly, in view of the law laid down by the **Full Bench in Criminal Appeal (SJ) No. 431 of 2019**, I am not inclined to grant the petitioner privilege of



anticipatory bail.

6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned court and seeks regular bail, the same may be considered by learned Exclusive Excise Court-II, Jamui, on the same day, without being prejudiced to the fact that the anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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