

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52009 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- KARAKAT District- Rohtas

Sabita Devi @ Sabita Kumari, aged about 20 years, Female, Wife of Munna Chaudhary, Resident of Village- Jaishree, P.S.- Karakat, (Gorari), District -Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 15-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Karakat P.S. Case No. 416 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As the prosecution case, total 336.96 liters foreign liquor was recovered from a motorcycle and house of Munna Chaudhary.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the entire prosecution case is false, concocted and contrary to the actual facts that no such



occurrence took place. He next submits that petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. Petitioner has been made accused in this case because she is the owner of the seized Motorcycle bearing Registration No. BR-03U8381. Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR, case diary and also perused the impugned order dated 14.06.2024 passed by the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram, it appears that on the basis of written report of the informant Ghanshyam Kumar, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act against three co-accused persons. Petitioner is the registered owner of the seized motorcycle bearing registration no. BR-03U8381. *Prima facie*, it also appears that the petitioner is involved in transportation and sale of liquor.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the present petition is barred by Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the present anticipatory bail



is not maintainable and is accordingly dismissed.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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