

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89867 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- SONO District- Jamui

Baraki Hembram W/o- Late Jattu Hembram Village- Salaiya Ps- Sono Dist-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-01-2025 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 Sono Police Station Case No. 278 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. As per the prosecution case, on 30.08.2024,
informant, on secret informant, reached village saliya near
Barab Hembram's house. On seeing the police party, one
woman tried to flee away and taking advantage of the darkness,
she managed in fleeing away. On search of the house, total 5
liters of illicit liquor was recovered.

4. Learned Counsel for the petitioner submits that the
petitioner is an old widow aged about 74 years. The allegation



against the petitioner is false and concocted.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that liquor has been seized 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, rejected.

7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, on the same day, without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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