

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23056 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -ROSERA District- SAMASTIPUR

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1. Mahesh Paswan S/o Nageshwar Paswan, Resident of Village- Shahpur
Kolhatta, Police Station- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned Addl.
Public Prosecutor for the State.

The petitioner apprehends arrest in Rosera P.S. Case No.
48 of 2017 instituted for the offence under Sections-30, 38 of the
Bihar Excise Amended Act, 2016.

It has been submitted on behalf of the petitioner that
nothing has been recovered from his possession. The petitioner
was not caught on the spot.

Learned APP has submitted that the anticipatory bail is not
maintainable u/S 76 of the Excise Act. It is further submitted that
the petitioner managed to run away after throwing the liquor and
people disclosed the name of this petitioner. As per written report,
one person fled away after throwing 45 bottles of foreign



liquor containing 375 ml. each kept in a gunny bag. The local chowkidar and other people disclosed that the person, who has thrown the liquor is this petitioner.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail stands rejected.

The petitioner is directed to surrender in the court below and seek regular bail, which shall be considered on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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