

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13417 of 2022**

Arising Out of PS. Case No.-123 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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GULSHAN KUMAR @ KARU SAH @ KARU SAW SON OF LATE
KRISHNA SAH R/O - GRAM NAJARI, P.O. AND P.S.- LAXMIPUR @
LAKSHMIPUR, DISTRICT- JAMUI, STATE- BIHAR 811312

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate
For the Opposite Party/s : Mr. Ravindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 47(a) of the
Bihar Prohibition and Excise Act.

Allegation is of recovery of 15 litres of Mahua from
the house of the petitioner.

Submission is that no provision of the Bihar Excise
Act, 1915 recognizes Mahua as an excisable article or an
intoxicant or intoxicating drug or liquor and for the first time,
Mahua was recognized as country or traditional liquor by
Section 2(16) of the Bihar Prohibition and Excise Act, 2016



which was in force w.e.f. 02.10.2016. However, the present case was instituted on 02.03.2016 and petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. Petitioner has got no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the aforesaid submissions, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise Case No. 123C2 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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