

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15663 of 2022

Arising Out of PS. Case No.-667 Year-2021 Thana- MUFFASIL District- West Champaran

MAHENDRA CHAUDHARY Son of Bahadur Chaudhary R/O Village -
Patarkha, P.S. - Manuapul O.P., District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Section 30(a) of the Bihar Excise Act.

Allegation is of recovery of 10 litres of liquor from one Rajesh Manjhi along with 600 liters of raw *jawa* which was destroyed and the apprehended accused disclosed the name of the accused persons, including the petitioner.

Submission is that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession and his name transpired in the confessional statement of co-accused which has no evidentiary value, it is next



submitted that it absolutely does not stand to reason that how the learned court below even without recording the facts of the case had come to the conclusion that anticipatory bail is not maintainable under Section 76(2) of the Bihar Prohibition and Excise Act. Learned counsel further submits that it appears that the learned court below is under the impression that the moment an offence under the Excise Act is committed, the anticipatory bail application is barred which is a misnomer. It is reiterated and submitted that without recording the facts of the case no court can hold that a particular jurisdiction cannot be exercised, it is also submitted that there is no law which has held that anticipatory bail under the Excise Act is not maintainable. Petitioner has got no criminal antecedent.

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

Considering the submissions aforesaid, 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 Bettiah



(Muffasil) P.S. Case No. 667 of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/Shivam/-

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