

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21158 of 2023**

Arising Out of PS. Case No.-537 Year-2021 Thana- FATUA District- Patna

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1. PAPPU YADAV @ TITU KUMAR SON OF NANDA SINGH @ NANDA PRASAD RESIDENT OF VILLAGE- GOURI PUNDAH, PS- FATUHA, DISTT- PATNA
  2. MAHIL KUMAR SON OF GANAURI SINGH RESIDENT OF VILLAGE- GOURI PUNDAH, PS- FATUHA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Harish Kumar, Advocate  
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      15-05-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 56(c) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 210 liters of liquor from a place near a river.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession, further they came to be implicated based on the disclosure made by the villager, but



then the name of the villager is not recorded in the F.I.R. which creates doubt with regard to the veracity of the allegation as alleged in the F.I.R.

The Court fails to appreciate why the learned Trial Court did not record the facts of the case to arrive at a conclusion whether bar of Section 76(2) of the Act gets attracted or not, to this Court the rejection of anticipatory bail application of the petitioners by the learned Trial Court appears to be mechanical.

The Court refrains from making any comment for the present, but a word of advice is rendered to the learned Judge not to reject anticipatory bail application under the Excise Act in mechanical manner.

Let this order be communicated to the learned District Judge for perusal of the concerned learned Court.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees



One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Fatuha P.S. Case No. 537 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishabh/-

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