

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21162 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- HATHAURI District- Samastipur

MANGANU RAY Son of Asharfi Ray R/O- Gudarghat Siripur Gahar, P.S.-
Khanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that one Anil Mahto was apprehended with 375 ML of liquor, who disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted that confessional statement in police custody does not have any evidentiary value. It is also submitted that police falsely



implicated the petitioner based on confessional statement of the co-accused because of his antecedent.

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 petitioner 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 petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 10,000/- (Rupees Ten Thousand) 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 Hathauri P.S. Case No. 04 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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