

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36946 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- KHAJAULI District- Madhubani

Ram Bahadur Mandal @ Bahadur Mandal Son of Kapileshwar Mandal,
Resident of Village- Tarapatti, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. As per the prosecution case, on secret information the police party reached near the house of petitioner. After seeing the vehicle of Police the petitioner fled away and on search total 108 liters Nepali country made liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that antecedent of petitioner is clean. He also submits that nothing has been recovered from the possession of



petitioner.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the anticipatory bail under Excise Act is not maintainable.

6. In the present facts and circumstances and the submissions made above and as per the rejection order passed by the court below, it transpires that there is one criminal antecedent of petitioner, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with G.R. No. 355 of 2022 arising out of Khajauli P.S. Case No. 34 of 2023 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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