

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54403 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- GANGABRIDGE District- Vaishali

Munna Ray Son Of Ram Nath Ray R/O-Terasia, South Of Pillar No. 20 Of
M.G. Setu, P.S.-GANGA Bridge, Distt.-VAISHALI

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 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 Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the total recovery of 45.5 litre of illicit country-made foreign wine has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the name of the petitioner has figured in this case by virtue of the disclosure made by the apprehended person, namely, Sonu Kumar. Counsel further submits that there are two criminal cases pending against the petitioner. Counsel further

submits that the petitioner is in no way concerned with the recovered material or the apprehended person. Counsel also submits that nothing has been recovered from the possession of the petitioner.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the case has been lodged under the Excise Act. Counsel also submits that the anticipatory bail is not maintainable under Section 76(2) of the Bihar Prohibition and Excise Amendment Act, 2018. Counsel further submits that there are two criminal antecedents of the petitioner.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Gangabridge P.S. Case No. 109 of 2023, dated 02.03.2023 to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur.

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 preferably on the same day, if the petitioner surrenders within a period of six weeks.

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

10. Accordingly, the present anticipatory bail application is hereby disposed of.

(Dr. Anshuman, J.)

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