

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54399 of 2023**

Arising Out of PS. Case No.-593 Year-2022 Thana- GRIYAK District- Nalanda

Baba @ Chunnu S/O Ram Pravesh Singh @ Bachchha Singh R/O Village-  
Shahdullapur, Ps. Ganga Bridge, Dist. Hajipur At Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : None

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      23-08-2023      Despite repeated call, no one appears on behalf of the  
petitioner, however, A.P.P. for the State appeared.

2. Learned A.P.P. for the State submits petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a)/ 32(i)(ii)/ 36/ 41(z) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the total recovery of 1791 litre wine has been made from a truck bearing Registration No. JH-12A-1068, which is the subject matter of the present case. The apprehended co-accused persons have disclosed about the recovered material, which belongs to the petitioner. They were the driver and cleaner of the truck.

4. 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 anticipatory bail is not maintainable under Section 76(2) of the Bihar Prohibition and Excise Act. Counsel further submits that there are three criminal antecedents of the petitioner.

5. 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 Giriyak P.S. Case No. 593 of 2022, dated 15.11.2022 to the satisfaction of learned II<sup>nd</sup> Additional Sessions Judge-cum-Special Judge Excise Bihar Sharif, Nalanda.

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

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

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

**(Dr. Anshuman, J.)**

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