

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54633 of 2023

Arising Out of PS. Case No.-258 Year-2019 Thana- LAUKAHI District- Madhubani

Md. Aslam @ Aslam Son of Tahir Miya Resident of Village - Bontol, P.S.-
Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha No.1, 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 is apprehending his arrest in connection with Laukahi P.S. Case No. 258 of 2019 dated 24.12.2019 corresponding to G.R. No.2438 of 2019, lodged under Sections 272, 273, 414, 34 of the Indian Penal Code read with Sections 30(a)/37(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total recovery of 378 liter Nepali Desi wine is the subject matter of the present case which was recovered from the car.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that name of petitioner has come on the basis of



confessional statement of the co-accused Satish Kumar before the Police. He also submits that antecedent of petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. In the present facts and circumstances and particularly in the light of Section 76(2) of the Bihar Prohibition and Excise Act, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Laukahi P.S. Case No. 258 of 2019, corresponding to G.R. No.2438 of 2019 to the satisfaction of learned Special Judge Excise Act Jhanjharpur, District 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 six weeks.

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

(Dr. Anshuman, J.)

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