

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54778 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Yash Kumar @ Yash Raj son of Rakesh Jaiswal Village- Rampur Ps-
Warisnagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Adv.
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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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 124.500 litre 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 local *chowkidar* and local persons. Counsel submits that there is one case pending

against the petitioner.

5. Learned counsel for the petitioner further submits that the petitioner has not been apprehended from the place of occurrence rather his name has been dragged in this case on suspicion. Counsel further submits that nothing has been recovered from the possession of the petitioner.

6. 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 is one case pending against the petitioner.

7. 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 Excise Sadar P.S. Case No. 367 of 2023, dated 27.06.2023 to the satisfaction of learned Special Judge (Excise) Court-02, Samastipur.

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

9. 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.

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

(Dr. Anshuman, J.)

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