

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54401 of 2023

Arising Out of PS. Case No.-420 Year-2023 Thana- BARHARA District- Bhojpur

Satish Paswaan @ Satish Paswan S/O- Mahatm Paswaan @ Mahatma Paswan
R/O- Village- Jhokhipur, Ps- Krishnagarh O.P, Dist- Bhojpur At Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, 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 60 litre illicit country-made wine has been made from the motorcycle which was driven by the petitioner, 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 there is one criminal case pending against the petitioner. Counsel submits that the petitioner has neither been apprehended nor anything has been recovered from his

possession.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the case has been lodged under Excise Act. Counsel further 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 is one antecedent 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 Barhara (Krishnagarh) P.S. Case No. 420 of 2023 to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur, Ara.

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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