

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 54954 of 2023**

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

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Akhilesh Kumar Yadav @ Akhilesh Ray S/O - Lakhraj Ray R/O Village -  
Turki, P.S. - Panapur.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Murli Dhar, 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 is apprehending his arrest in connection with Marhowarh P.S. Case No.738 of 2022 dated 24.11.2022, lodged under Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the F.I.R. has been lodged against 9 named accused persons. It has been alleged in the F.I.R. that police received a secret information and accordingly checked some vehicles and recovered total 840 liter spirit from four different vehicles but taking advantage of late night the said accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He

further submits that petitioner is not named in the FIR and during investigation, on the confessional statement of one accused person, petitioner's name has come. He submits that antecedent of the 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 Marhowarh P.S. Case No.738 of 2022 to the satisfaction of learned Exclusive Special Excise Judge-II, Saran at Chapra.

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 four weeks.

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

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

Ashishsingh/-

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