

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58635 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- BARAULI District- Gopalganj

Nirmal Kumar @ Vivek Manjhi S/o Manindra Manjhi, Resident of Village
Kahala P.S Barauli District Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barauli P.S. Case No.260 of 2023 dated 18.06.2023, lodged under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, total recovery of 50.72 liter of foreign and country-made wine is the subject matter of present case.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that nothing has been recovered from the possession of petitioner. He also submits that there is inimical term of petitioner with local Chaukidars.



5. Learned A.P.P. for the State opposes the prayer for bail and submits that there are already two criminal antecedents of petitioner which are of Excise Act.

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 Barauli P.S. Case No.260 of 2023 to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge Excise, Court No.1, Gopalganj.

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.)

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