

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13222 of 2025

Arising Out of PS. Case No.-203 Year-2021 Thana- MALSALAMI District- Patna

Akhilesh Ray @ Akhilesh Roy, S/O Santlal Roy R/O Village- Sukumarpur,
P.O- Japharabad, P.S- Raghopur, Distt.- Vaishali. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-03-2025 Heard Mr. Dilip Kumar Singh, learned counsel for the
petitioner and Mr. Sanjay Kumar Sharma, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Malsalami P.S. Case No. 203/2021 dated 31.05.2021 registered
for the offence punishable under section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018 (in short 'Excise Act').

3. As per the prosecution story, 49.9 litres of foreign
liquor and 80 litres of country made liquor is alleged to have been
recovered from four motorcycles.

4. The main submissions advanced by learned counsel
appearing for the petitioner are that though the petitioner's first
prayer for the same relief was withdrawn by him but that step to
withdraw the petitioner's case was taken considering the details of
four criminal antecedents given by the State at that time but later on,
the petitioner found that against him there are only three criminal
antecedents, of which complete details has been given in the
paragraph No. 3 of the petition and he is on bail in all the said cases,



the instant matter relates to the recovery of 129.9 litres of liquor from different motorcycles, though one of the alleged motorcycles stands registered in the name of the petitioner but admittedly, the petitioner was not apprehended at the spot of recovery and except suspicion, there is no material against him.

5. Learned APP for the State has opposed the bail prayer of the petitioner and submits that against the petitioner, there are three criminal antecedents as stated by the petitioner in his petition, out of them, two relate to the offence under Excise Act and admittedly, the petitioner’s motorcycle was found with the alleged liquor which is sufficient to attract the alleged offence under Excise Act against the petitioner, as such, the petitioner’s prayer for anticipatory bail is not maintainable in view of the provisions of section 76(2) of the Excise Act.

6. Considering the aforesaid submissions advanced by learned APP, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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