

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16766 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- DALSINGHSARAI District- Samastipur

RAJA KUMAR Son of Arjun Mahto R/O Village - Bhatgama Tola Khairvan,
P.S.- Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 86.640 litres of liquor out of
which 60 litres of liquor is alleged to have been recovered from the
house of the petitioner.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from
his conscious possession. It is next submitted that name of the
petitioner came in the confessional statement of co-accused Raj



Kumar which has no evidentiary value. It is next submitted that had the recovery been made from the house of the petitioner then the police would not know that the house belongs to the petitioner. It is next submitted that the house is a joint family property and petitioner is a junior member of the house. Learned counsel, thus, submits that since the name of the petitioner transpired in the confessional statement of co-accused, it creates doubt with regard to the alleged recovery from the house of the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dalsingsarai P.S. Case No. 291 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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