

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57087 of 2022

Arising Out of PS. Case No.-811 Year-2021 Thana- MAHUA District- Vaishali

DEEPAK KUMAR SON OF SHIVNANDAN RAY @ SHIVCHANDRA RAI
Resident of Village - Mahua Singh Rae, P.S. - Mahua, District- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 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 offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii)
and 41(i) 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 832.50 litres of liquor from a
Tata Pick Up Van, 43.500 litres of liquor loaded on a black colour
Splender Plus Motorcycle and 237.960 litres of liquor from the
bathan of Bipin Singh.

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 further submitted that petitioner is neither the owner nor the driver of the alleged vehicles and further the alleged recovery is also from a place which does not belong to the petitioner as it is *bathan* of Bipin Singh. It is next submitted that petitioner came to be implicated based on the confessional statement of Om Prakash in police custody which does not have any evidentiary value in the eye of law.

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.1,000/- (Rupees One 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 Mahua P.S. Case No. 811 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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