

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66465 of 2022

Arising Out of PS. Case No.-715 Year-2021 Thana- MAHUA District- Vaishali

DEEPAK RAY @ DEEPAK KUMAR RAY Son of Jawahar Ray @ Jawahar
Lal Ray Resident of village- Chhatwar Kapur, P.S- Mahua, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii), 41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 3618.36 liters of liquor from a Tata truck and a Tata Ace van, further 864 liters of liquor from godown of one Abhishek Rai.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that his name transpired in the confessional statement



of Sawan Kumar in police custody which does not have any evidentiary value. Learned counsel also submits that petitioner is not the owner of the alleged truck.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has not stated anything about the ownership of Tata Ace vehicle.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahua P.S. Case No. 715 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioner shall verify whether Tata Ace vehicle belongs to the petitioner or not and in the event, if it is found that the said vehicle belongs to the petitioner then the present anticipatory bail order shall not be acted upon.

Further, the learned trial Court before accepting the



bail bonds of the petitioner shall also verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has any criminal antecedent then also the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

GauravSinha/-

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