

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57564 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- DERNI BAZAR District- Saran

GUDDU RAY @ GUDDU KUMAR S/o Rampravesh Ray Resident of
village- Pirari, P.S.- Derani. District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) 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 100 liters of liquor from the washroom of Rampravesh 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 he came to be implicated based on the confessional statement of Rampravesh Rai in police custody



which does not have any evidentiary value.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that Rampravesh Rai is the father of the petitioner, as such, the alleged recovery is from a place which belongs to his father and the petitioner and nowhere in the anticipatory bail application it has been pleaded that house is a joint family property.

Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

However, in the event if petitioner surrenders on or before 24.11.2022, the learned Trial Court shall dispose of the case on the same day keeping in mind that petitioner is a person with clean antecedent and the alleged recovery is from washroom which in village is not within the premises of the house.

(Satyavrat Verma, J)

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