

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13568 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- SONEPUR District- Saran

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ROHAN KUMAR @ BITTU RAI S/O SUJAN RAY @ LALBABU RAY
Resident of village- Badurahi, Pravejabad, P.S.- Sonapur, District- Saran.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 14-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 41(1) and 37(c) of the Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases.
4. Allegation is of recovery of 44.125 litres of liquor from an i10 car.
5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the confessional statement of co-accused Ashish Kumar and Vishal Kumar in police custody which does not have any evidentiary value in the eye of law. It is further



submitted that petitioner is not the owner of the seized vehicle.

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

7. 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 Sonapur P.S. Case No. 716 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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