

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27768 of 2023

Arising Out of PS. Case No.-719 Year-2022 Thana- MAHUA District- Vaishali

ANIL RAY @ ANIL KUMAR SON OF VIPAT RAI R/O VILLAGE-
MAHUA RAM RAI, P.S.- MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2023 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 Sections 419, 420, 467, 468, 471, 34 of the Indian Penal Code and Section 30(a), 32(i)(ii), 36, 37(c) and 41 of the Bihar Excise Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 2633.31 liters of liquor from a truck and a car and five persons were arrested along with arms.

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 petitioner is neither the owner of the truck nor of the car and he came to be implicated based on the confessional statement of co-accused



Pritam in police custody which does not have any evidentiary value when admittedly, petitioner is a person with clean antecedent. It is next submitted that even from perusal of the allegations, it would manifest that prima facie, Arms Act does not get attracted as it is not alleged that the petitioner was also seen with arms or was carrying arms.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) 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. 719 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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