

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39209 of 2023**

Arising Out of PS. Case No.-376 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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BIRENDRA RAI @ BIRENDRA KUMAR @ BIRENDRA SINGH S/O
LATE RAY SAHAB SINGH @ RAJ SAHAB SINGH R/O Village- Ward
Number-4 Rahimpur, PS. Bidupur, Dist. Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aniket Singh

For the Opposite Party/s : Mr. Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 27-06-2023 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 30(a), 32(i), 32(3), 41(1) and 41(2) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with three antecedents and allegation is of recovery of 200 liters of liquor from an Auto.

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 co-accused in police custody which



does not have any evidentiary value, it is next submitted that the police, because of his antecedents, got him implicated through Murari, it is next submitted that petitioner is not the owner of the Auto.

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. 15,000/- (Rupees Fifteen 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 Hajipur Excise P.S. Case No. 376 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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