

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54762 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- GORAUL District- Vaishali

BRAJESH RAY @ BARJESH RAY @ BALESHWAR RAY S/O LATE RAM
VIRIKSH RAY R/O VILLAGE- MANSURPUR, P.S- GORAUL (KATAHRA
O.P.), DISTT.- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-08-2023 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 Section 414 of the
Indian Penal Code and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of
recovery of 663 liters of liquor from a four-wheeler and also
from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
was recovered from his conscious possession and he came to be
implicated based on the confessional statement of Ayodh Kumar
in police custody which does not have any evidentiary value, it
is next submitted that the petitioner is not the owner of the



seized vehicle and the alleged house from where the recovery was made is an abundant place and no one lives there and is accessible to villagers at large, it is next submitted that no prudent person would use his own premise for committing a crime and thus would create an evidence against himself and hence would get implicated easily.

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

6. 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) 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 Goraul (Katahra O.P.) P.S. Case No. 308 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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