

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14858 of 2024

Arising Out of PS. Case No.-643 Year-2023 Thana- DARIYAPUR District- Saran

Lal Babu Rai Son of Sudarshan Rai Resident of village - Saraiya Laddu Tola,
P.S. - Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2024 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 offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. The present case based on mentioning has been
taken up out of turn that it was mentioned that son of the
petitioner is getting married on 06.03.2024 with Kumari
Sangeeta, daughter of Smt. Kismatiya Devi and Sri Lalbabu Rai
(Ex-Army), resident of village Laganpura, Post Pachrukhi, P.S.
Bheldi, district Saran.

4. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.

5. Allegation is of recovery of 3543.48 litres of liquor
from a DCM Truck and 54 litres of liquor from a pick-up van.



6. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner or the driver of any of the seized vehicles and he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law.

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

8. 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 provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Dariyapur P.S. Case No. 643 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that the provisional anticipatory bail of the petitioner shall be confirmed after seeking a report from the concerned police station i.e. Bheldi Police Station that



as to whether the son of the petitioner is getting married to the daughter of Smt. Kismatiya Devi and Sri Lalbabu Rai (Ex-Army) or not. In the event, if the report records that the son of the petitioner is not getting married with Kumari Sangeeta, daughter of Smt. Kismatiya Devi and Sri Lalbabu Rai (Ex-Army) in that event, the learned trial court shall forthwith cancel the provisional anticipatory bail granted to the petitioner but in the event if the report records that son of the petitioner is getting married on 06.03.2024 with Sangeeta Kumari daughter of Smt. Kismatiya Devi and Sri Lalbabu Rai (Ex-Army) in that event the provisional anticipatory bail shall be confirmed on the same terms and conditions.

(Satyavrat Verma, J)

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