

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73289 of 2023

Arising Out of PS. Case No.-433 Year-2023 Thana- GARKHA District- Saran

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JAYPRAKASH KUMAR @ SHAMBHU RAY SON OF KRISHNA RAY
RESIDENT OF VILLAGE - BARA TELPA, P.S. - CHAPRA TOWN,
DISTRICT - SARAN AT CHAPRA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Garkha P.S. Case No.433/2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and allegation is of recovery of 161 litres of liquor from an auto. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession. It is also submitted that petitioner is neither the owner nor the driver of the auto and he came to be implicated based on confessional



statement of Ram Kumar Das in police custody, which does not have any evidentiary value in the eye of law.

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

5. 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.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional and District Judge-cum- 1st Exclusive Special Judge Excise, Saran at Chapra in connection with Garkha P.S. Case No.433/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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