

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20330 of 2022

Arising Out of PS. Case No.-654 Year-2019 Thana- MAHUA District- Vaishali

UPENDRA KUMAR @ UPENDRA RAI S/o Ram Babu Rai Resident of
Village- Barhara, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 414, 120B of the Indian Penal Code
and 30(a), 32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 4365 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. It is alleged that 4365 liters wine is recovered from the truck. The petitioner is not the owner of the truck in question. The name of the petitioner has transpired as the informant has claimed that he identified the petitioner in the torch light. The petitioner is not known to the informant nor the informant is known to the petitioner. Hence, the identification made by informant itself in the torch light is doubtful. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court-2nd -cum- Additional District & Sessions Judge,
Hajipur, Vaishali in connection with Mahua P.S. Case No. 654
of 2019, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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