

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20304 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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VIKASH KUMAR @ VIKASH SINGH Son of Kapil Singh Resident of
village - Kanchanpur Ward No.- 3, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

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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 30(a), 32(i), 32(3). 41(1) and 41(2) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 252 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. It is alleged that 252 liters wine is recovered from



pick up van. The van in question does not belong to the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 No. II-cum- Additional Sessions Judge, Vaishali at Hajipur in connection with C2A Case No. 245 of 2021, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

(Sudhir Singh, J)

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