

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22244 of 2022**

Arising Out of PS. Case No.-430 Year-2020 Thana- KISHANGANJ District- Kishanganj

ADITYA KUMAR Son of Rajniti Singh Resident of Village - Babanbigaha,  
Police Station - Barbigha, District - Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      20-05-2022                      Heard learned counsel for the petitioner and 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 connection  
with Kishanganj P.S. Case No. 430 of 2020 registered for the  
offence under Sections-272, 273, 420, 120(B) of the Indian  
Penal Code and Sections-30(a)/41(1) of the Bihar Prohibition  
and Excise Act.

The prosecution case, in short, is that 4653.720 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. The petitioner has been falsely implicated in the present case. It is alleged that 4653.720 litres wine is recovered from two trucks. None of the trucks belongs to the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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 Cr. Appeal No. 626 of 2022 (Sweta Kumari vs State of Bihar).

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

Considering the aforesaid facts and circumstances of the case, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kishanganj in connection with Special Case No. 48 of 2021 (Kishanganj P.S. Case No. 430 of 2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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