

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22357 of 2022

Arising Out of PS. Case No.-663 Year-2021 Thana- SARAIYA District- Muzaffarpur

Vikash Kumar Son Of Motilal Singh R/O Village- Sujawalpur, P.S.- Saraiya,
District- Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 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 272, 273, 34 of the Indian Penal Code
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 720.72 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 720.72 liters wine is recovered from



pick up van. The petitioner is not the owner of the pick up van. The name of the petitioner has transpired on the basis of disclosure made by local Chowkidar. 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 Court of Exclusive Special Judge, Excise, Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 663 of 2021, corresponding to G.R. No. 1710/21, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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