

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28532 of 2022**

Arising Out of PS. Case No.-428 Year-2021 Thana- JAGDISHPUR District- Bhojpur

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SUJIT KUMAR Son of Late Laxmi Prasad Resident of Village - Bihiya, Ward
No.- 9, P.S.- Bihiya in the district of Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Adv.

For the Opposite Party : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and
learned APP for the State.

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) & 30(d) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30 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 name of the petitioner has transpired on the



basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 30 liters wine is recovered from a Bhatti. The Bhatti, in question does not belong to the petitioner. 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, 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 4th Additional District & Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 428 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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