

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5303 of 2023

Arising Out of PS. Case No.-310 Year-2020 Thana- HISUWA District- Nawada

Matho Kumar @ Niralla Kumar Son Of Maharana Pratap @ Rana Pratap
Singh R/O Village- Bhelu Bigha, P.S.- Hisua, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Hansraj, Advocate

For the Opposite Party : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to make
necessary correction in prayer portion of the application.

The petitioner is apprehending his arrest in a case
registered under Section-30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 11 liters wine and
some utensils for preparation of wine is recovered.

It has been submitted on behalf of the petitioner that 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 disclosure made by local
residents. Except for this, there is no other substantive evidence to
suggest the implication of the petitioner in this case. It is alleged that



11 liters wine and some utensils for preparation of wine are said to have been recovered by side of the river. 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 versus 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 Exclusive Special Excise Judge-1, Nawada in connection with Hisua P.S. Case No. 310 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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