

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3131 of 2023**

Arising Out of PS. Case No.-506 Year-2021 Thana- BANIAPUR District- Saran

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TRIPURARI KUMAR SINGH S/o Dhananjay Singh @ Dhananjay Kumar
Singh R/o Village- Chetan Chapra, P.S.- Baniyapur, Distt- Saran(Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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 2.880 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. The petitioner is not named in the FIR. His name has transpired in this case as he is said to be owner of the motorcycle, in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2.880 liters wine is recovered from the motorcycle in question. The motorcycle, in question had already been sold by the petitioner to one



Yogesh Rai prior to the alleged occurrence. 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 not 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 Additional District & Sessions Judge-II-cum-Ist Exclusive Special Judge, Excise, Saran at Chapra in connection with Baniapur P.S. Case No. 506 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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