

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2429 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- GAYA MUFASIL District- Gaya

SUNIL KUMAR SINHA S/o Ramanand Prasad R/v- Bhusunda, P.S.-
Mufassil, District- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 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 Amendment Act, 2018.

The prosecution case, in short, is that 32 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 is not named in the F.I.R. The name of the petitioner has transpired in this case as he is said to be owner of the tempo. The tempo, in question is run as a public transport. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 32 liters wine is recovered from the tempo,



in question. The petitioner had no knowledge regarding the nature of goods, kept in the tempo. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 Exclusive Special Excise Court No. 1, Gaya in connection with Muffasil P.S. Case No. 714 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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