

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9255 of 2023

Arising Out of PS. Case No.-229 Year-2020 Thana- BAISI District- Purnia

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Bimal Vishwas @ Vimal Chandra Vishwas, Male, aged about 47 years, Son
Of Jatin Vishwas, R/O Vill.- Ashurgarh, P.S.- Dalkola, Distt.- Uttar Dinajpur
(West Bengal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Baisi P.S. Case No. 229 of 2020 for the
offence registered under Sections 272, 273 of the I.P.C. and
Sections 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total
3845.16 liters wine is said to have been recovered from the
Mini Truck in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 3845.16 liters wine is recovered from the Mini Truck in question. The Mini Truck in question does not belong to the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case as the mobile which is said to have been recovered from the Mini Truck in question which is alleged to be purchased on the name of the petitioner. 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, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the



petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Purnea, in connection with Baisi P.S. Case No. 229 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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