

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7137 of 2023

Arising Out of PS. Case No.-397 Year-2021 Thana- DARIYAPUR District- Saran

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AMRESH RAI, (Male), aged about 50 years), S/O LATE PHULESHWAR
RAI, R/v- Jamira, P.S.- Derni, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 397 of 2021 for the offence registered under Sections 120B, 467, 468, 469, 471 of the I.P.C. and Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 2590 liters spirit is said to have been recovered from the Truck and Scooty 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 2590 liters spirit is recovered from the Truck and the Scooty in question. The Truck and scooty in question do 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 on the basis of confessional statement of the co-accused. 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 Additional District and Sessions Judge-II-cum-Ist Exclusive Special Judge (Excise), Chapra, Saran, in connection with Dariyapur P.S. Case No. 397 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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