

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7295 of 2023**

Arising Out of PS. Case No.-9 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Supaul

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Sanjay Kumar Paswan @ Sanjay Paswan, (Male), aged about 26 years, Son  
Of Sushil Paswan, R/O Village- Basantpur, Hridyanagar Ward No.13, P.S.-  
Birpur, District- Supaul, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sanjeev Kumar, Advocate  
For the Opposite Party : Mrs. Pushpa Sinha.1, 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 Supaul Excise P.S. Case No. 09 of 2022 for  
the offence registered under Section 30(a) of the Bihar  
Prohibition and Excise Act.

The prosecution story, in brief, is that total 70  
liters wine is said to have been recovered by the side of the  
road.

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 70 liters wine is recovered by the side of the road. 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 Exclusive Special Judge-2, Excise Act, Supaul, in connection with Supaul Excise P.S. Case No. 09 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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