

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9169 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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KUNDAN KUMAR Son of Ram Shankar Singh R/o Baba Tola Manjhaul- 02
Cheriabariyarpur (Manjhaul O.P.) District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sujit Kumar Singh, Advocate
For the Opposite Party : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 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, 2016.

The prosecution case, in short, is that 277.275 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. It is alleged that 277.275 liters wine is recovered
from a bamboo clamp which belongs to joint family 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 Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner is 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 Judge-Ist, Begusarai in connection with Cheriabariyarpur P.S. Case No. 232 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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