

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13881 of 2023**

Arising Out of PS. Case No.-227 Year-2022 Thana- MOHIUDDIN NAGAR District-  
Samastipur

=====

Santosh Kumar @ Santosh Kumar Ray Son of Dina Ray Resident of Village -  
Rajaisi, P.S.- Mohiuddin Nagar, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Deepak Kumar Singh, Advocate  
For the Opposite Party : Mr. Md. Anbzarul Haque Sahara, APP

=====

**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 Act.

The prosecution case, in short, is that two 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. It is alleged that two liters wine is recovered from  
joint house 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 Court No. 2, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 227 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

