

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13089 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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KAMLESH KUMAR @ KAMLESH KUMAR MANDAL, aged about 35 years (Male), Son of Hira Lal Mandal, Resident of village - Humayupur, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party : Mrs. Sangeeta Sharma, 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 Excise Case No. 236 of 2022 for the offence registered under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 49.500 liters wine is said to have been recovered from two Motorcycles 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 49.500 liters wine is recovered from two Motorcycles in question. Out of which, 19.500 liters wine is said to have been recovered from one of the Motorcycles bearing Registration No. BR-30N-3151. The petitioner is alleged to be the owner of the said Motorcycle. The said Motorcycle was given by the petitioner to his cousin brother for his personal use. 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, Exclusive Special Excise Court-II, Sitamarhi, in connection with Excise Case No. 236 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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